

FIFTY-EIGHTH DAY

(Tuesday, May 2, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Adamson.	Holekamp.
Aikin.	Holland.
Alexander.	Holloway.
Alsup.	Hoskins.
Anderson	Huddleston.
of Bexar.	Hughes.
Anderson	Hunt.
of Johnson.	Hyder.
Baker.	Jackson.
Barrett.	James.
Barron.	Jefferson.
Bedford.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Atascosa.
Burns.	Jones of Shelby.
Butler.	Kayton.
Calvert.	Kyle of Hays.
Camp.	Kyle of Palo Pinto.
Canon.	Laird.
Cathey.	Latham.
Caven.	Lemens.
Celaya.	Leonard.
Chastain.	Lindsey.
Clayton.	Long.
Coombes.	Lotief.
Cowley.	Mackay.
Crossley.	Magee.
Daniel.	Mathis.
Davidson.	McClain.
Dean.	McCullough.
Devall.	McDougald.
Dunlap.	McGregor.
Dwyer.	McKee.
Fain.	Merritt.
Few.	Metcalfe.
Fisher.	Mitcham.
Ford.	Moffett.
Fuchs.	Moore.
Glass.	Morrison.
Golson.	Morse.
Good.	Munson.
Goodman.	Palmer.
Graves.	Parkhouse.
Greathouse.	Patterson.
Griffith.	Pavlica.
Haag.	Pope.
Hankamer.	Puryear.
Harman.	Ramsey.
Harris.	Ratliff.
Harrison.	Ray.
Hartzog.	Reader.
Head.	Reed of Bowie.
Hester.	Reed of Dallas.
Hicks.	Riddle.
Hill of Brazoria.	Roberts.
Hill of Webb.	Rogers of Hunt.
Hodges.	Rogers of Ochiltree.

Rollins.	Tennyson.
Ross.	Thomas.
Russell.	Tillery.
Savage.	Townsend.
Scarborough.	Turlington.
Scott.	Van Zandt.
Shannon.	Vaughan.
Shults.	Wagstaff.
Smith.	Walker.
Stanfield.	Weinert.
Steward.	Wells.
Stinson.	Winningham.
Stovall.	Wood.
Sullivant.	Young.
Tarwater.	

Absent

Colson.	Jones of Runnels.
Duvall.	Nicholson.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	Renfro.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Engelhard for today, on motion of Mr. Hoskins.

Mr. Beck for today, on motion of Mr. Morrison.

Mr. Renfro for today, on motion of Mr. Ford.

Mr. Patterson for yesterday, on motion of Mr. Morse.

The following Members were granted leaves of absence on account of illness:

Mr. Nicholson for today, on motion of Mr. McDougald.

Mr. Dunagan for today, on motion of Mr. Good.

HOUSE BILLS ON FIRST READING

The following House Bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Savage:

H. B. No. 915, A bill to be entitled "An Act regulating the collection and

disposition of fees of office for each county officer, precinct officer, district clerk, and criminal district attorney, receiving fees of office for his services; providing for the payment of the premium on officer's bond, necessary expenses and salaries of deputies, assistants, and employes of said officers, as allowed and approved by the county commissioners court; providing the amounts to be retained by said officers and the amounts to be paid into the county treasury; providing the maximum amounts that any officer may receive; providing requirements, time, and manner of allowing compensation for ex officio services; providing for the regulation of the number of deputies, aides, and assistants, and salary of each, as approved by the commissioners court, etc.; and declaring an emergency."

Referred to Committee on Counties.

By Mr. Savage:

H. B. No. 916, A bill to be entitled "An Act regulating the collection and disposition of fees of office for each county officer and precinct officer in counties having more than seven thousand, six hundred and fifty (7,650) inhabitants, and less than seven thousand, six hundred and seventy-five (7,675) inhabitants, according to the last Federal Census, receiving fees of office for his services; providing for the payment of the premium on officers' bond, necessary expenses and salaries of deputies, assistants, and employes of said officers, as allowed and approved by the county commissioners court; providing the amounts to be retained by said officers and the amounts to be paid into the county treasury; providing the maximum amount that any officer may receive, etc.; and declaring an emergency."

Referred to Committee on Counties.

By Mr. Savage:

H. B. No. 917, A bill to be entitled "An Act providing in counties having more than three hundred thousand (300,000) inhabitants, and less than three hundred and fifty-nine thousand (359,000) inhabitants, according to the last or any subsequent Federal Census, providing for the election, oath, and bond of the office of assessor and collector of taxes, as combined by the recent amendment to the Constitution; providing that Articles 7181 to 7359, inclusive, Title 122, of the 1925

Revised Civil Statutes of Texas, including all amendments, as well as the 1925 Revised Civil Statutes, shall be so construed as to carry out the purposes of the constitutional amendment providing for one office, and that the words 'Assessor,' 'Assessor of Taxes,' 'Collector,' 'Collector of Taxes,' or 'Tax Collector,' shall refer to and mean one office, or officer; etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Savage:

H. B. No. 918, A bill to be entitled "An Act providing in counties having more than seven thousand, six hundred and fifty (7,650) inhabitants, and less than seven thousand, six hundred and seventy-five (7,675) inhabitants, according to the last, or any subsequent, Federal Census, and containing an area of less than one hundred and fifty (150) square miles, for the election of a sheriff, assessor and collector of taxes, providing for rights, powers, and privileges, prescribing duties and bonds; etc.; and declaring an emergency."

Referred to Committee on Counties.

By Mr. Engelhard:

H. B. No. 919, A bill to be entitled "An Act making appropriations to pay miscellaneous claims, and authorizing payment of said miscellaneous claims, on taking effect of this Act; and declaring an emergency."

Referred to Committee on Claims and Accounts.

HOUSE BILL NO. 338 WITH SENATE AMENDMENTS

Mr. Holekamp called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 338, A bill to be entitled "An Act to amend Article 955, Chapter 6, Title 13, of the Penal Code of the State of Texas, 1925, as amended by Acts of 1931, Forty-second Legislature, Second Called Session, page 20, Chapter 11, Section 1, prohibiting the sale of fish taken from freshwater streams of certain named counties, and also providing means and methods of taking and possessing fish from fresh waters of said counties, and including Blanco County and Kendall County; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Holekamp, the House concurred in the Senate amendments by the following vote:

Yeas—108

Adamson.	Jones of Atascosa.
Aikin.	Jones of Shelby.
Alexander.	Kayton.
Alsup.	Kyle of Hays.
Anderson of Bexar.	Kyle of Palo Pinto.
Anderson of Johnson.	Laird.
Baker.	Lemens.
Barrett.	Leonard.
Bourne.	Lindsey.
Bradley.	Lotief.
Burns.	Mackay.
Butler.	Magee.
Calvert.	McClain.
Camp.	McCullough.
Canon.	McGregor.
Chastain.	McKee.
Clayton.	Merritt.
Coombes.	Mitcham.
Cowley.	Moffett.
Crossley.	Moore.
Daniel.	Morrison.
Davidson.	Morse.
Devall.	Munson.
Dwyer.	Palmer.
Fain.	Pavlica.
Few.	Puryear.
Fisher.	Ratliff.
Ford.	Ray.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Golson.	Reed of Dallas.
Good.	Riddle.
Goodman.	Roberts.
Greathouse.	Rogers of Ochiltree.
Griffith.	Rollins.
Haag.	Ross.
Hankamer.	Savage.
Harris.	Shannon.
Hartzog.	Shults.
Hester.	Smith.
Hicks.	Stanfield.
Hill of Brazoria.	Steward.
Hill of Webb.	Stinson.
Hodges.	Tarwater.
Holekamp.	Tennyson.
Holland.	Thomas.
Hoskins.	Tillery.
Huddleston.	Turlington.
Hughes.	Vaughan.
Hunt.	Walker.
Hyder.	Weinert.
Jackson.	Wells.
James.	Winningham.
Johnson of Anderson.	Wood.

Nays—1

Cathey.

Absent

Barron.	McDougald.
Bedford.	Metcalf.
Caven.	Nicholson.
Celaya.	Parkhouse.
Colson.	Patterson.
Dean.	Pope.
Dunlap.	Ramsey.
Duvall.	Rogers of Hunt.
Graves.	Russell.
Harman.	Scarborough.
Harrison.	Scott.
Head.	Stovall.
Holloway.	Sullivant.
Jefferson.	Townsend.
Jones of Runnels.	Van Zandt.
Latham.	Wagstaff.
Long.	Young.
Mathis.	

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	Renfro.

HOUSE BILL NO. 646 WITH SENATE AMENDMENTS

Mr. Holekamp called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 646, A bill to be entitled "An Act to prohibit the sale, or offering for sale, or the buying of any bass, crappie, perch, or catfish, or any other fish, taken from the fresh waters within the following named counties: San Saba, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Val Verde, Edwards, Sutton, and Real; and to prohibit the use of trot line, drag seine, or net, and to limit the size and number of fish to be caught; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Holekamp, the House concurred in the Senate amendments by the following vote:

Yeas—107

Adamson.	Bourne.
Aikin.	Bradley.
Alexander.	Burns.
Anderson of Bexar.	Butler.
Anderson of Johnson.	Calvert.
Baker.	Camp.
Barrett.	Canon.
	Cathey.
	Chastain.

Clayton.	Magee.
Cowley.	Mackay.
Daniel.	Mathis.
Davidson.	McClain.
Devall.	McDougald.
Dwyer.	McKee.
Fain.	Merritt.
Few.	Mitcham.
Fisher.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Morse.
Golson.	Munson.
Good.	Pavlica.
Goodman.	Puryear.
Graves.	Ratliff.
Greathouse.	Ray.
Griffith.	Reader.
Haag.	Reed of Bowie.
Hankamer.	Reed of Dallas.
Harris.	Riddle.
Hartzog.	Roberts.
Hester.	Rogers
Hicks.	of Ochiltree.
Hill of Brazoria.	Rollins.
Hill of Webb.	Ross.
Hodges.	Savage.
Holekamp.	Shannon.
Holland.	Shults.
Hoskins.	Smith.
Huddleston.	Stanfield.
Hughes.	Steward.
Hunt.	Stinson.
Hyder.	Tarwater.
Jackson.	Tennyson.
James.	Thomas.
Jefferson.	Tillery.
Johnson	Turlington.
of Anderson.	Van Zandt.
Jones of Shelby.	Vaughan.
Kayton.	Walker.
Kyle of Hays.	Weinert.
Kyle of Palo Pinto.	Wells.
Laird.	Winningham.
Lemens.	Wood.
Lindsey.	Young.
Lotief.	

Absent

Alsup.	Latham.
Barron.	Leonard.
Bedford.	Long.
Caven.	McCullough.
Celaya.	McGregor.
Colson.	Metcalfe.
Coombes.	Nicholson.
Crossley.	Palmer.
Dean.	Parkhouse.
Dunlap.	Patterson.
Duvall.	Pope.
Harman.	Ramsey.
Harrison.	Rogers of Hunt.
Head.	Russell.
Holloway.	Scarborough.
Jones of Atascosa.	Scott.
Jones of Runnels.	Stovall.

Sullivant.	Wagstaff.
Townsend.	

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	Renfro.

Mr. Moore moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m., today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no Member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Moore, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

HOUSE JOINT RESOLUTION NO.
1 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new Section to be numbered 3, so as to authorize any county having more than 60,000 population to adopt a home rule charter for the establishment and regulation of its government, which may provide that the commissioners court of such counties may serve as the governing body, or some other body shall act in lieu thereof, etc."

The resolution was read third time.

Mr. Wells offered the following amendment to the resolution:

Amend House Joint Resolution No. 1 by striking out "60,000," in (2), of Section 3, and inserting in lieu thereof "62,000."

The amendment was adopted.

Mr. Morse offered the following amendment to the resolution:

Amend House Joint Resolution No. 1 by striking out the figures "60,000," wherever they appear, in Section 2, and inserting in lieu thereof the following: "62,000."

The amendment was adopted.

By unanimous consent of the House, the caption of the resolution was ordered amended to conform to all changes made in the body of the resolution.

Mr. Morse offered the following amendment to the resolution:

Amend House Joint Resolution No. 1 by striking out "the first Tuesday after the first Monday in November, 1934, and inserting in lieu thereof the following: "the fourth Saturday in August, 1933."

The amendment was adopted.

House Joint Resolution No. 1 was then passed by the following vote:

Yeas—102

Adamson.	Hunt.
Aikin.	Hyder.
Alexander.	Jackson.
Alsup.	James.
Anderson	Jefferson.
of Bexar.	Johnson
Anderson	of Anderson.
of Johnson.	Jones of Atascosa.
Barrett.	Jones of Shelby.
Bradley.	Kayton.
Burns.	Kyle of Palo Pinto.
Butler.	Laird.
Calvert.	Lotief.
Camp.	Mackay.
Canon.	Magee.
Cathey.	Mathis.
Chastain.	McClain.
Clayton.	McCullough.
Coombes.	McDougald.
Cowley.	McKee.
Crossley.	Metcalfe.
Dean.	Mitcham.
Devall.	Moffett.
Dwyer.	Moore.
Few.	Morrison.
Fisher.	Morse.
Ford.	Parkhouse.
Fuchs.	Patterson.
Glass.	Pavlica.
Golson.	Ramsey.
Griffith.	Ratliff.
Haag.	Ray.
Hankamer.	Reader.
Harman.	Reed of Dallas.
Harris.	Riddle.
Hartzog.	Roberts.
Head.	Rogers
Hester.	of Ochiltree.
Hicks.	Rollins.
Hill of Brazoria.	Ross.
Hill of Webb.	Russell.
Holekamp.	Savage.
Holland.	Scott.
Hoskins.	Shannon.
Hughes.	Shults.

Smith.
Stanfield.
Steward.
Stinson.
Tarwater.
Tennyson.
Tillery.
Turlington.

Van Zandt.
Wagstaff.
Walker.
Weinert.
Wells.
Winningham.
Wood.
Young.

Nays—20

Baker.
Bourne.
Daniel.
Davidson.
Fain.
Good.
Goodman.
Graves.
Greathouse.
Huddleston.

Leonard.
Lindsey.
Merritt.
Palmer.
Pope.
Puryear.
Reed of Bowie.
Stovall.
Thomas.
Vaughan.

Absent

Barron.	Kyle of Hays.
Bedford.	Latham.
Caven.	Lemens.
Celaya.	Long.
Colson.	McGregor.
Dunlap.	Munson.
Duvall.	Nicholson.
Harrison.	Rogers of Hunt.
Hodges.	Scarborough.
Holloway.	Sullivant.
Jones of Runnels.	Townsend.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	Renfro.

HOUSE JOINT RESOLUTION NO.
14 WITH SENATE AMEND-
MENTS

Mr. Moffett called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. J. R. No. 14, Proposing an amendment to Article V, of the Constitution of the State of Texas, by adding a new section thereto with four lettered subdivisions, providing for the abolishment of the fee method of compensating county and precinct officers, and providing that all such officers be paid on a salaries basis; and providing for the payment of all fees into the county treasury; and conferring upon commissioners court general management and control of county affairs; and providing for the

appointment of certain officers by the commissioners court, and the combining of any such offices; etc.; repealing all provisions of the Constitution in conflict therewith; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

The Speaker laid the resolution before the House, with the Senate amendments.

On motion of Mr. Moffett, the House concurred in the Senate amendments by the following vote:

Yeas—112

Adamson.	Hoskins.
Aikin.	Hughes.
Alexander.	Hunt.
Alsup.	Hyder.
Anderson	Jackson.
of Bexar.	James.
Anderson	Jefferson.
of Johnson.	Johnson
Barrett.	of Anderson.
Bradley.	Jones of Atascosa.
Burns.	Jones of Shelby.
Butler.	Kayton.
Calvert.	Kyle of Palo Pinto.
Camp.	Laird.
Canon.	Lemens.
Cathey.	Leonard.
Chastain.	Lotief.
Clayton.	Magee.
Coombes.	Mackay.
Cowley.	Mathis.
Crossley.	McClain.
Daniel.	McCullough.
Dean.	McDougald.
Devall.	McKee.
Fain.	Merritt.
Few.	Metcalfe.
Fisher.	Mitcham.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Morse.
Golson.	Munson.
Good.	Parkhouse.
Goodman.	Patterson.
Graves.	Pavlica.
Greathouse.	Puryear.
Griffith.	Ramsey.
Haag.	Ratliff.
Hankamer.	Ray.
Harman.	Reed of Dallas.
Harris.	Riddle.
Hartzog.	Roberts.
Head.	Rogers
Hester.	of Ochiltree.
Hicks.	Rollins.
Hill of Brazoria.	Ross.
Hill of Webb.	Russell.
Hodges.	Savage.
Holekamp.	Scott.
Holland.	Shannon.

Shults.	Turlington.
Smith.	Van Zandt.
Steward.	Wagstaff.
Stinson.	Walker.
Stovall.	Weinert.
Tarwater.	Wells.
Tennyson.	Winningham.
Thomas.	Wood.
Tillery.	Young.

Nays—4

Baker.	Reed of Bowie.
Lindsey.	Vaughan.

Absent

Barron.	Kyle of Hays.
Bedford.	Latham.
Bourne.	Long.
Caven.	McGregor.
Celaya.	Moffett.
Colson.	Nicholson.
Davidson.	Palmer.
Dunlap.	Pope.
Duvall.	Reader.
Dwyer.	Rogers of Hunt.
Harrison.	Scarborough.
Holloway.	Stanfield.
Huddleston.	Sullivant.
Jones of Runnels.	Townsend.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	Renfro.

HOUSE BILL NO. 487 WITH SENATE AMENDMENTS

Mr. McDougald called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 487, A bill to be entitled "An Act to amend Chapter 91, of the General Laws of the Fortieth Legislature, amending Article 7596, of the Revised Civil Statutes of the State of Texas, regulating liens for water rates, so as hereafter to limit the statutory lien on crops to secure water rates for irrigation to one-third of the crop; and to give to those supplying water for irrigation a preference lien on crops, superior to every other lien; to limit the lien which public utilities may contract for on crops to one-third; and to authorize waiver of lien by districts; and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. McDougald moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on the part of the House: Messrs. Nicholson, McDougald, Steward, Parkhouse, and Scarborough.

HOUSE JOINT RESOLUTION NO. 5 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. J. R. No. 5, Proposing an amendment to Article XVI, of the Constitution of the State of Texas, by striking out Section 20-a to 20-e, both inclusive, and providing in lieu thereof, for local option on the question of the sale of intoxicating liquors; vesting in the Legislature the power to regulate the manufacture, sale, and traffic in intoxicating liquors; etc."

The resolution was read third time.

Mr. Morse offered the following amendment to the resolution:

Amend House Joint Resolution No. 5 by striking out the date "November 6, 1934," in Section 2 thereof, and inserting in lieu thereof the words "The fourth Saturday in August, 1933."

The amendment was lost.

Mr. Morse offered the following amendment to the resolution:

Amend House Joint Resolution No. 5 by adding to Section 1 thereof, after Subdivision (e), a new Subdivision, to be known as Subdivision (f), and reading as follows:

"f. Should an amendment to the Texas Constitution, relative to vinous or malt liquors containing not more than 3.2 per cent alcohol by weight, be adopted prior to, or at the same time as, the adoption of this amendment, this amendment shall affect only spirituous, vinous, or malt liquors containing more than 3.2 per cent alcohol by weight; and spirituous, vinous, and malt liquors containing not more than 3.2 per cent alcohol by weight shall be governed by the terms of such other amendment."

The amendment was lost.

House Joint Resolution No. 5 then failed to pass by the following vote:

Yeas—82

Alexander.	Johnson
Anderson	of Anderson.
of Bexar.	Jones of Atascosa.
Baker.	Jones of Shelby.
Bedford.	Kayton.
Bourne.	Kyle of Palo Pinto.
Bradley.	Laird.
Burns.	Long.
Butler.	Lotief.
Calvert.	Mackay.
Camp.	Mathis.
Cathey.	McClain.
Caven.	McCullough.
Clayton.	McDougald.
Coombes.	McKee.
Cowley.	Metcalfe.
Daniel.	Moore.
Davidson.	Morse.
Devall.	Munson.
Dwyer.	Palmer.
Ford.	Patterson.
Fuchs.	Pavlica.
Good.	Pope.
Goodman.	Ramsey.
Griffith.	Reader.
Haag.	Reed of Dallas.
Hankamer.	Riddle.
Harris.	Roberts.
Hartzog.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hill of Webb.	of Ochiltree.
Hodges.	Ross.
Holekamp.	Russell.
Holland.	Savage.
Holloway.	Scarborough.
Hoskins.	Shannon.
Huddleston.	Smith.
Hughes.	Stanfield.
Hunt.	Steward.
Hyder.	Stinson.
Jackson.	Tillery.
Jefferson.	Weinert.
	Young.

Nays—48

Adamson.	Harman.
Aikin.	Head.
Alsup.	Hester.
Anderson	Hicks.
of Johnson.	Kyle of Hays.
Barrett.	Latham.
Canon.	Lemens.
Chastain.	Leonard.
Crossley.	Lindsey.
Dean.	Magee.
Fain.	Merritt.
Few.	Mitcham.
Fisher.	Moffett.
Glass.	Morrison.
Golson.	Parkhouse.
Graves.	Puryear.

Ratliff.
Ray.
Reed of Bowie.
Rollins.
Scott.
Shults.
Stovall.
Tarwater.
Tennyson.

Thomas.
Turlington.
Vaughan.
Wagstaff.
Walker.
Wells.
Winningham.
Wood.

Morse.
Pavlica.
Ray.
Reader.
Riddle.
Rogers
of Ochiltree.

Rollins.
Shannon.
Smith.
Steward.
Turlington.
Winningham.
Wood.

Nays—69

Absent

Barron.
Celaya.
Colson.
Dunlap.
Duvall.
Greathouse.
Harrison.

James.
Jones of Runnels.
McGregor.
Nicholson.
Sullivant.
Townsend.
Van Zandt.

Absent—Excused

Beck.
Dunagan.
Engelhard.

Johnson
of Dimmit.
Renfro.

HOUSE JOINT RESOLUTION NO.
6 ON THIRD READING

The Speaker laid before the House,
on its third reading and final pas-
sage,

H. J. R. No. 6, Proposing to amend
Section 4, of Article VI, of the Con-
stitution of Texas, so that in all elec-
tions by the people the vote shall be
by secret ballot; that the Legislature
shall provide therefor and shall make
such other regulations as may be nec-
essary to detect and punish fraud,
and that the Legislature provide for
registration of voters.

The resolution was read third time.

(Mr. McClain in the Chair.)

House Joint Resolution No. 6 then
failed to pass by the following vote:

Yeas—40

Adamson.
Anderson
of Bexar.
Bradley.
Cathey.
Chastain.
Clayton.
Crossley.
Fain.
Ford.
Golson.
Graves.
Greathouse.
Griffith.

Hankamer.
Hester.
Holekamp.
Hughes.
Jackson.
Jefferson.
Jones of Shelby.
Kyle of Hays.
Kyle of Palo Pinto.
Leonard.
Mackay.
McDougald.
Moffett.
Moore.

Aikin.
Alexander.
Alsup.
Anderson
of Johnson.
Baker.
Barrett.
Bourne.
Butler.
Camp.
Canon.
Coombes.
Cowley.
Davidson.
Dean.
Dunlap.
Few.
Fisher.
Fuchs.
Glass.
Good.
Goodman.
Haag.
Harris.
Hartzog.
Hill of Brazoria.
Hill of Webb.
Hodges.
Huddleston.
Hunt.
Hyder.
Johnson
of Anderson.
Jones of Atascosa.
Kayton.
Lindsey.

Lotief.
Magee.
Mathis.
McCullough.
Merritt.
Mitcham.
Morrison.
Munson.
Palmer.
Parkhouse.
Pope.
Purveyar.
Ratliff.
Reed of Bowie.
Reed of Dallas.
Roberts.
Ross.
Russell.
Scarborough.
Scott.
Shults.
Stanfield.
Stinson.
Stovall.
Sullivant.
Tennyson.
Thomas.
Tillery.
Townsend.
Van Zandt.
Vaughan.
Wagstaff.
Walker.
Weinert.
Young.

Present—Not Voting

Hoskins.

Absent

Barron.
Bedford.
Burns.
Calvert.
Caven.
Celaya.
Colson.
Daniel.
Devall.
Duvall.
Dwyer.
Harman.
Harrison.
Head.
Hicks.

Holland.
Holloway.
James.
Jones of Runnels.
Laird.
Latham.
Lemens.
Long.
McClain.
McGregor.
McKee.
Metcalfe.
Nicholson.
Patterson.
Ramsey.

Rogers of Hunt. Tarwater.
Savage. Wells.

Absent—Excused

Beck. Johnson
Dunagan. of Dimmit.
Engelhard. Renfro.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has adopted

S. C. R. No. 52, Recalling Senate
Bill No. 412 from the House for fur-
ther consideration.

The Senate has adopted conference
committee report on Senate Bill No.
435 by the following vote: Yeas, 31;
nay, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 26 ON THIRD READING

The Speaker laid before the House,
on its third reading and final passage,

H. J. R. No. 26, Proposing an
amendment to the Constitution, au-
thorizing the Legislature to pass laws
exempting manufacturers from the
payment of taxes for a ten-year
period.

The resolution was read third time,
and failed to pass by the following
vote:

Yeas—74

Adamson.	Golson.
Alexander.	Goodman.
Anderson	Greathouse.
of Bexar.	Griffith.
Baker.	Hankamer.
Barrett.	Harman.
Bedford.	Hartzog.
Bradley.	Hester.
Butler.	Hill of Webb.
Cathey.	Holland.
Celaya.	Hyder.
Chastain.	Jackson.
Clayton.	Jones of Atascosa.
Dean.	Jones of Shelby.
Fain.	Kayton.
Few.	Kyle of Hays.
Ford.	Kyle of Palo Pinto.
Fuchs.	Leonard.
Glass.	Lotief.

Mackay.	Ross.
McGregor.	Russell.
Merritt.	Savage.
Morrison.	Scott.
Morse.	Shannon.
Munson.	Smith.
Parkhouse.	Stanfield.
Patterson.	Steward.
Pope.	Stinson.
Ramsey.	Stovall.
Ratliff.	Sullivant.
Ray.	Tarwater.
Reader.	Thomas.
Reed of Bowie.	Townsend.
Roberts.	Van Zandt.
Rogers of Hunt.	Vaughan.
Rogers	Wagstaff.
of Ochiltree.	Walker.
Rollins.	Weinert.

Nays—45

Aikin.	Hoskins.
Alsup.	Huddleston.
Anderson	Hughes.
of Johnson.	Hunt.
Bourne.	James.
Calvert.	Jefferson.
Canon.	Laird.
Caven.	Lemens.
Coombes.	Mathis.
Cowley.	McCullough.
Crossley.	McKee.
Daniel.	Mitcham.
Davidson.	Moffett.
Fisher.	Pavlica.
Good.	Puryear.
Graves.	Reed of Dallas.
Haag.	Shults.
Harris.	Tennyson.
Head.	Tillery.
Hicks.	Turlington.
Hill of Brazoria.	Winningham.
Hodges.	Wood.
Holekamp.	Young.

Absent

Barron.	Latham.
Burns.	Lindsey.
Camp.	Long.
Colson.	Magee.
Devall.	McClain.
Dunlap.	McDougald.
Duvall.	Metcalfe.
Dwyer.	Moore.
Harrison.	Nicholson.
Holloway.	Palmer.
Johnson	Riddle.
of Anderson.	Scarborough.
Jones of Runnels.	Wells.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	Renfro.

SENATE JOINT RESOLUTION NO.
1 ON SECOND READING

The Speaker laid before the House, on its second reading,

S. J. R. No. 1, Proposing an amendment to Section 9, of Article VIII, of the Constitution of the State of Texas.

Providing that for all years after 1934 the State tax on property, exclusive of the tax necessary to pay the public debt and the taxes provided for the benefit of public free schools, and of taxes for the Confederate Pension, shall never exceed 15 cents on the \$100 valuation, and providing for municipal taxation as is now provided in Section 9, of Article VIII, of the Constitution of the State of Texas.

The resolution was read second time, and was passed to third reading by the following vote:

Yeas—81

Aikin.	Jones of Atascosa.
Alexander.	Jones of Shelby.
Alsup.	Kyle of Hays.
Anderson	Latham.
of Johnson.	Lemens.
Baker.	Leonard.
Bourne.	Lindsey.
Butler.	Mackay.
Calvert.	Magee.
Camp.	McCullough.
Canon.	McDougald.
Cathey.	McGregor.
Celaya.	Merritt.
Clayton.	Moffett.
Cowley.	Moore.
Crossley.	Morrison.
Davidson.	Morse.
Dean.	Pavlica.
Fain.	Pope.
Ford.	Puryear.
Fuchs.	Ratliff.
Goodman.	Ray.
Greathouse.	Reed of Bowie.
Haag.	Riddle.
Hankamer.	Roberts.
Harris.	Rollins.
Harrison.	Ross.
Head.	Russell.
Hill of Brazoria.	Scarborough.
Hodges.	Shults.
Holland.	Smith.
Huddleston.	Stanfield.
Hughes.	Steward.
Hyder.	Stinson.
Jackson.	Sullivant.
James.	Tarwater.
Jefferson.	Tennyson.
Johnson	Thomas.
of Anderson.	Townsend.

Vaughan.
Walker.
Weinert.

Wells.
Winningham.

Nays—39

Adamson.	Kyle of Palo Pinto.
Barrett.	Lotief.
Bradley.	McKee.
Burns.	Mitcham.
Caven.	Munson.
Chastain.	Palmer.
Coombes.	Parkhouse.
Daniel.	Ramsey.
Fisher.	Reader.
Glass.	Reed of Dallas.
Golson.	Rogers of Ochiltree.
Good.	Scott.
Graves.	Shannon.
Griffith.	Stovall.
Hartzog.	Turlington.
Hicks.	Van Zandt.
Hill of Webb.	Wagstaff.
Holekamp.	Wood.
Hoskins.	Young.
Hunt.	

Absent

Anderson	Jones of Runnels.
of Bexar.	Kayton.
Barron.	Laird.
Bedford.	Long.
Colson.	Mathis.
Devall.	McClain.
Dunlap.	Metcalf.
Duvall.	Nicholson.
Dwyer.	Patterson.
Few.	Rogers of Hunt.
Harman.	Savage.
Hester.	Tillery.
Holloway.	

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	Renfro.

SENATE JOINT RESOLUTION NO.
2 ON SECOND READING

The Speaker laid before the House, on its second reading,

S. J. R. No. 2, Proposing an amendment to the Constitution of the State of Texas, by adding to Article XVI, another section, Section 61, abolishing the fee system of compensating State, district, county, and precinct officers, and providing for the payment of salaries to said officers, except public weighers, notaries public, and county surveyors.

The resolution was read second time.

Mrs. Hughes offered the following committee amendment to the resolution:

Amend Senate Joint Resolution No. 2, by striking out all above and below the enacting clause, and insert in lieu thereof the following:

"S. J. R. No. 2, Proposing an amendment to the Constitution of the State of Texas by adding to Article XVI another Section, Section 61, providing for abolishing the fee method of compensating all district officers of this State and county officers in counties of this State having a population of 20,000 or more, and providing that all such district and county officers be paid on a salary basis, and providing that all precinct officers may be compensated on a fee basis or on a salary basis, and authorizing the commissioners court to determine whether certain county and precinct officers shall be paid on a fee basis or a salary basis.

"Be it resolved by the Legislature of the State of Texas:

"Section 1. That the Constitution of the State of Texas, Article XVI, be amended by adding thereto another Section, Section 61, which shall read as follows:

"Section 61. All district officers in the State and all county officers in counties having a population of 20,000 or more, according to the then last preceding Federal Census, shall hereafter be compensated on a salary basis. In all counties of this State, the commissioners court shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salary basis; and in counties having a population of less than 20,000, according to the then last preceding Federal Census, the commissioners court shall also have the authority to determine whether county officers shall be compensated on a fee basis or on a salary basis. All fees earned by district, county, and precinct officers shall be paid into the county treasury where earned, for the account of the proper fund, provided, that fees incurred by the State, county, and any municipality, or in case where pauper's oath is filed, shall be paid into the county treasury when collected, and provided, that where any officer is compensated wholly on a fee basis, such fees may be retained by such officer, or paid into the treasury of the county as the commissioners court may direct. All notaries public and public weigh-

ers shall continue to be compensated on a fee basis.'

"Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified voters of this State and the next general election, to be held on Tuesday after the first Monday in November, A. D. 1934, at which election all voters favoring said proposed amendment shall write, or have printed, on their ballots the words:

"For the amendment to the Constitution of the State of Texas adding Section 61 to Article XVI, abolishing the fee system of compensating all district officers and all county officers in counties having a population of 20,000 or more, and authorizing the commissioners court to determine whether precinct officers and certain county officers shall be compensated on a fee basis or on a salary basis.'

"Against the amendment to the Constitution of the State of Texas adding Section 61 to Article XVI abolishing the fee system of compensating all district officers and all county officers in counties having a population of 20,000 or more, and authorizing the commissioners court to determine whether precinct officers and certain county officers shall be compensated on a fee basis or a salary basis.'

"Each voter shall scratch out with pen or pencil the clause which he desires to vote against so as to indicate whether he is voting for or against said proposed amendment.

"Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election, and to have same published as required by the Constitution.

"Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated, out of any funds of the Treasury of the State of Texas not otherwise appropriated, to pay the expenses of such publication and election."

Mrs. Hughes offered the following amendment to the committee amendment:

Amend committee substitute to Senate Joint Resolution No. 2 by adding, at the end of line 36, the following: "county surveyors."

The amendment was adopted.

Mr. Stinson offered the following amendment to the committee amendment:

Amend committee substitute for Senate Joint Resolution No. 2 by adding, after the word "basis," in line 21, the following: "Such salaries to be fixed by the commissioners court of the respective counties."

Mr. Moffett moved that the resolution be recommitted to the Committee on Constitutional Amendments.

The motion prevailed.

SENATE JOINT RESOLUTION NO. 3 ON SECOND READING

The Speaker laid before the House, on its second reading,

S. J. R. No. 3, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new Section, to be numbered 3, so as to authorize any county to adopt a home rule charter for the establishment and regulation of its government, and further providing that the Legislature shall pass all laws necessary to carry out the intent and purposes of this Section of the Constitution.

The resolution was read second time.

Mr. Morse offered the following committee amendment to the resolution:

Amend Senate Joint Resolution No. 3 by striking out all below the resolving clause, and inserting in lieu thereof the following:

"Section 1. That Article IX of the Constitution of Texas be amended by adding thereto a section, to be Section 3, which shall provide:

"Section 3. (1) Holding the belief that the highest degree of local self-government, which is consistent with the efficient conduct of those affairs by necessity lodged in the Nation and the State, will prove most responsive to the will of the people, and result to reward their diligence and intelligence by greater economy and efficiency in their local governmental affairs, it hereby is ordained:

"(2) Any county having a population of 100,000, or more, according to the then last Federal Census, may adopt a county home rule charter, to embrace those powers appropriate hereto, within the specific limitations hereinafter provided. It further is

provided that the Legislature, by a favoring vote of two-thirds of the total membership of both the Senate and the House, may authorize any county, having a population less than that above specified, to proceed hereunder for the adoption of a charter; however, as a condition for such authorization, it is required that notice of the intent to seek legislative authority hereunder must be published in one or more newspapers, to give general circulation in the county affected, not less than once per week for four consecutive weeks, and the first of such publications shall appear not less than thirty days next prior to the time an act making proposal hereunder may be introduced in the Legislature. No county home rule charter may be adopted by any county save upon a favoring vote of the resident qualified electors of the affected county. In elections submitting to the voters a proposal to adopt a charter, unless otherwise provided by a two-thirds vote of the total membership of each House of the Legislature, the votes cast by the qualified electors residing within the limits of all the incorporated cities and towns of the county shall be separately kept, but collectively counted; the votes of the qualified electors of the county, who do not reside within the limits of any incorporated city or town, likewise shall be separately kept and counted, and unless there be a favoring majority of the votes cast, both within and without such collective cities and towns, the charter shall not be adopted. It expressly is forbidden that any such charter may inconsonantly affect the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems, or any other department of the State's superior government. Nothing herein contained shall be deemed to authorize the adoption of a charter provision inimicable to or inconsistent with the sovereignty and established public policies of this State, and no provision having such vice shall have validity as against the State. No charter provision may operate to impair the exemption of homesteads as established by this Constitution and the statutes relating thereto.

"(3) a. A charter hereunder may provide: the continuance of a county commissioners court, as now constituted, to serve as the governing body

of a county to operate hereunder; or may provide for a governing body otherwise constituted, which shall be elective, and service therein shall be upon such qualifications, for such terms, under such plan of representation, and upon such conditions of tenure and compensation as may be fixed by any such charter. The terms for service in such governing body may exceed two years, but shall not exceed six years. In any event, in addition to the powers and duties provided by any such charter, such governing body shall exercise all powers, and discharge all duties which, in the absence of the provisions hereof, would devolve by law on county commissioners and county commissioners courts. Further, any such charter may provide for the organization, reorganization, establishment, and administration of the government, including the control and regulation of the performance of, and the compensation for, all duties required in the conduct of the county affairs, subject to the limitations herein provided.

"b. A charter hereunder may provide that judges of county courts (including that county court designated in this Constitution), and justice of the peace be compensated upon a salary basis in lieu of fees. The jurisdiction of the county court designated in this Constitution, and the duties of the judges thereof, may be confined to that general jurisdiction of a probate court which elsewhere is defined in this Constitution. The office of justice of the peace may be made either elective or appointive. Other than as herein provided, no such charter shall provide for altering the jurisdiction of procedure of any court. The duties of district attorney and/or county attorney may be confined to representing the State in civil cases to which the State is a party and to enforcement of the State's Penal Code, and the compensation of said attorneys may be fixed on a salary basis in lieu of fees.

"c. Save as hereinbefore and hereinafter otherwise provided, such charters, within the limits expressed therein, may invest the governing body to be established for any county electing to operate hereunder with the power to create, consolidate, or abolish any office or department, whether created by other provisions of the Constitution or by statute, define the duties thereof, fix the compensations for service

therein, make the same elective or appointive, and prescribe the time, qualifications, and conditions of tenure in any such office; save, that no such charter, other than hereinbefore as authorized, shall provide to regulate the status, service, duties, or compensation of Members of the Legislature, judges of the courts, district attorneys, county attorneys, or any office whatever by the law of the State required to be filled by an election embracing more than one county. Excepting herefrom nominations, elections, or appointments to offices, the terms whereof may not have expired prior to the adoption of this amendment to the Constitution, at such time as a charter provision adopted hereunder may be in effect (save as to those offices which must continue to be elective, as herein elsewhere specified), all terms of county officers and all contracts for the giving of service by deputies under such officers may be subject to termination by the administrative body of the county, under an adopted charter so providing, and there shall be no liability by reason thereof.

"d. Any county electing to operate hereunder shall have the power, by charter provision, to levy, assess, and collect taxes (other than taxes to retire authorized bonded indebtedness), to fix the maximum rate for ad valorem taxes to be levied for each specific purpose, in accordance with the Constitution and laws of this State; provided, however, that the limit of the aggregate taxes which may be levied, assessed, and collected hereunder shall not exceed the limit, or total fixed, or hereafter to be fixed by this Constitution to control counties, and the annual assessment upon property, both real, personal, and mixed, shall be a first superior and prior lien thereon.

"e. In addition to the powers herein provided, and in addition to powers included in county home rule charters, any county may, by a majority vote of the qualified electors of said county, amend its charter to include other powers, functions, duties, and rights which now or hereafter may be provided by this Constitution and the statutes of the State for counties.

"(4) Any county operating hereunder shall have the power to borrow money for all purposes lawful under its charter, to include the refunding of a lawful debt, in a manner con-

forming to the general laws of the State, and may issue therefor its obligations. Such obligations, other than those to refund a lawful debt, shall not be valid unless authorized by a majority of all votes cast by those residents qualified voters of the area affected by the taxes required to retire such obligations, who may vote thereon. In case of county obligations maturing after a period of five years, the same shall be issued to mature serially, fixing the first maturity of principal at a time not to exceed two years next after the date of the issuance of such obligations. Such obligations may pledge the full faith and credit of the county; but in no event shall the aggregate obligations so issued, in principal amount outstanding at any one time, exceed the then existing constitutional limits upon which such indebtedness and its supporting tax will constitute a first and superior lien upon the property taxable in such county. No obligation issued hereunder shall be valid unless, prior to the time of the issuance thereof, there be levied a tax sufficient to retire the same as it matures, which tax shall not exceed the then existing constitutional limits.

“(5) Such charter may authorize the governing body of a county, operating hereunder, to prescribe the schedule of fees to be charged by the officers of the county for specified services, to be in lieu of the schedule for such fees prescribed by the general laws of the State; and to appropriate such fees to such funds as the charter may prescribe; provided, however, no fee for a specified service shall exceed in amount the fee fixed by general law for that same service. Such charters as to all judicial officers, other than district judges, may prescribe the qualifications for service, provided the standards therefor be not lower than those fixed by the general laws of the State.

“(6) a. Subject to the express limitations upon the exercise of the powers of this Subdivision to be authorized, such charters may provide (or omit to provide) that the governmental and/or proprietary functions of any city, town, district, or other defined political subdivision (which is a governmental agency and embraced within the boundaries of the county), be transferred, either as to some or all of the functions there-

of, and yielded to the control of the administrative body of the county. No such transfer or yielding of functions may be affected, unless the proposal is submitted to a vote of the people, and, unless otherwise provided by a two-thirds vote of the total membership of each House of the Legislature, such a proposal shall be submitted as a separate issue, and the vote within and without any such city, town, district, or other defined governmental entity, shall be separately cast and counted, and unless two-thirds of the qualified votes cast within the affected defined governmental agency, and a majority of the qualified votes cast in the remainder of the county, favor the proposed merger, it shall not be affected. No city, town, district, or other governmental agency shall ever yield its governmental functions or any of them until the same is approved by a majority of two-thirds of the qualified voters of such city, town, district, or other governmental agency voting at an election held for that purpose. In case of the mergers hereby authorized, without express charter provisions therefor, insofar as may be required to make effective the object of the proposed merger, the county shall succeed to all the appropriate lawful powers, duties, rights, procedures, restrictions, and limitations which, prior to the merger, were reposed in, or imposed upon, the yielding governmental agency, to the same effect as though no such merger had been affected. Particularly, it is provided that the power to create funded indebtedness and to levy taxes in support thereof may be exercised only by such procedures, and within such limits, as now are, or hereafter may be, provided by law to control such appropriate other governmental agencies were they to be independently administered. Such mergers may be affected under proposed contracts between the county and any such yielding governmental agency, to be approved at an election as hereinbefore provided for. In order to increase governmental efficiency and effect economy, the county may contract with the principal city of the county to perform one or more of its functions, provided such contracts shall not be valid for more than two years.

“b. In case of the partial or complete merger of the government of

a city operating under a home rule charter, with the government of a county operating hereunder, those city charter provisions affected thereby, shall cease to control, and the county charter provisions shall control.

"c. When any embraced incorporated city or town elects to merge its governmental functions with those of the county under the provisions hereof, such charter may provide for defining or redefining the boundaries of such cities and towns, provided, however, that in defining or redefining the boundaries of such cities and towns, such boundaries may be extended only to include those areas contiguous to such cities as are urban in character and as to such cities or towns and for the benefit thereof the county, in addition to the primary city and county tax herein authorized and any other lawful district tax, may levy and collect taxes upon the property taxable within such city or town as defined or redefined within the limits authorized by Sections 4 and 5 of Article XI, of this Constitution (or any amendment thereof), for incorporated cities according to the population, provided that no tax greater than that existing at the time of such merger or for any added purpose shall be imposed upon any such city or town unless authorized by a majority of all votes cast by the resident qualified voters of such city or town.

"d. Areas urban in character, though not incorporated, under appropriate charter provisions, may be defined as such by the governing body of the county, provided, however, that no portion of the county shall be defined as an urban area unless it has sufficient population to entitle it to incorporate under the then existing laws of the State; and no such urban area when created, shall be vested with any taxing or bonding power which it would not possess if it were operating as a separate, incorporated unit under the then existing constitutional and statutory provisions of this State; and provided further, that such defined urban area shall be administered by the governing board of the county, and shall be subject to additional taxation within the same constitutional limits as control taxation for a city or a town of like population. Likewise such charter may provide for the governing board of the county, subject to existing con-

stitutional and statutory provisions, to define, create, and administer districts, and shall have and exercise the powers and privileges granted by the Constitution and laws relative to the same, provided, however, the governing board of the county shall not be authorized to define, create, or administer districts in any manner other than as provided by the Constitution and laws of this State.

"e. Where cities and towns elect to merge their governmental functions with that of the county, all matters pertaining to special assessments and zoning shall be governed by then existing constitutional provisions and general laws of the State; except where such city, at the time of the merger, was operating under a home rule charter, then the provisions of the home rule charter of such city shall govern.

"(7) No provision of this Constitution, inconsonant with the provisions of this Section 3, of Article IX, shall be held to control the provisions of a charter adopted hereunder, and conforming herewith. Charters adopted hereunder shall make appropriate provision for the abandonment, revocation, and amendment thereof, subject only to the requirements that there must be a favoring majority of the vote cast upon such a proposal, by the qualified resident electors of the county; and, no charter may forbid amendments thereof for a time greater than two years. The provisions hereof shall be self-executing, subject only to the duty of the Legislature to pass all laws (consistent herewith) which may be necessary to carry out the intent and purpose hereof. Further, the Legislature shall prescribe a procedure for submitting to decision, by a majority vote of the electors voting thereon, proposed alternative and elective charter provisions.'

"Sec. 2. The foregoing constitutional amendment shall be submitted to the qualified electors of the State at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1934, at which election all ballots shall have printed thereon the following:

"For the amendment to Article IX, of the Constitution of Texas, adding Section 3, providing authority for the adoption of a home rule charter by the voters in counties having a

population of 100,000 or more, to effect more efficient and economical government within such counties, and to authorize mergers of separate governmental agencies within such counties as may, from time to time, be authorized by vote of the people therein;

"Against the amendment to Article IX, of the Constitution of Texas, adding Section 3, providing authority for the adoption of a home rule charter by the voters in counties having a population of 100,000 or more to effect more efficient or economical government within such counties, and to authorize mergers of separate governmental agencies within such counties as may from time to time be authorized by vote of the people therein."

"Each voter shall scratch out one of the above listed clauses on such ballot, leaving unscratched that particular clause which expresses his vote on the proposed amendment to which it relates.

"Sec. 3. The Governor of this State is hereby directed to issue the necessary proclamation ordering an election in conformity herewith to determine whether or not the proposed constitutional amendment, set forth herein, shall be adopted, and the Governor shall have the same published as required by the Constitution and laws of this State.

"Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated, from any funds in the State Treasury not otherwise appropriated, to defray the expenses of printing said proclamation and holding such election."

Mr. Wells offered the following amendment to the committee amendment:

Amend committee amendment to Senate Joint Resolution No. 3, line 9, page 2, by striking out the figures "100,000," and inserting in lieu thereof the figures "62,000."

The amendment was adopted.

Mr. Morse offered the following amendment to the committee amendment:

Amend the amendment to Senate Joint Resolution No. 3 by striking out the figures "100,000," in line 35, page 8, and in line 2, page 9, and inserting in lieu thereof the figures "62,000."

The amendment was adopted.

Mr. Morse offered the following amendment to the committee amendment:

Amend the amendment to Senate Joint Resolution No. 3, lines 29 and 30, page 8, by striking out "the first Tuesday after the first Monday in November, 1934," and inserting in lieu thereof the following: "the fourth Saturday in August, 1933."

The amendment was adopted.

Mr. Alsup moved to reconsider the vote by which the amendment, by Mr. Morse, relative to date of submission, was adopted.

The motion to reconsider prevailed.

On motion of Mr. Alsup, the amendment by Mr. Morse was tabled.

The committee amendment as amended was then adopted.

By unanimous consent of the House, the caption of the resolution was ordered amended to conform to all changes made in the body of the resolution.

Senate Joint Resolution No. 3 was then passed by the following vote:

Yeas—115

Adamson.	Greathouse.
Aikin.	Griffith.
Alexander.	Haag.
Alsup.	Hankamer.
Anderson	Harman.
of Bexar.	Harris.
Anderson	Harrison.
of Johnson.	Hartzog.
Barrett.	Head.
Barron.	Hill of Brazoria.
Bedford.	Hill of Webb.
Bradley.	Hodges.
Butler.	Holekamp.
Calvert.	Holland.
Camp.	Huddleston.
Canon.	Hughes.
Cathey.	Hunt.
Caven.	Hyder.
Celaya.	Jackson.
Chastain.	James.
Clayton.	Johnson
Coombes.	of Anderson.
Cowley.	Jones of Atascosa.
Crossley.	Jones of Shelby.
Daniel.	Kyle of Hays.
Davidson.	Kyle of Palo Pinto.
Dean.	Laird.
Fisher.	Latham.
Ford.	Lemens.
Fuchs.	Lindsey.
Glass.	Lotief.
Golson.	Mackay.
Good.	Magee.
Graves.	McDougald.

McGregor.	Russell.
Merritt.	Savage.
Metcalf.	Scarborough.
Mitcham.	Scott.
Moffett.	Shannon.
Moore.	Shults.
Morrison.	Smith.
Morse.	Stanfield.
Munson.	Steward.
Palmer.	Stinson.
Parkhouse.	Stovall.
Patterson.	Sullivant.
Pavlica.	Tennyson.
Pope.	Thomas.
Ramsey.	Tillery.
Ratliff.	Townsend.
Ray.	Turlington.
Reader.	Van Zandt.
Reed of Dallas.	Wagstaff.
Riddle.	Walker.
Roberts.	Weinert.
Rogers of Hunt.	Wells.
Rogers	Winningham.
of Ochiltree.	Wood.
Rollins.	Young.
Ross.	

Nays—8

Baker.	Leonard.
Bourne.	Puryear.
Fain.	Reed of Bowie.
Goodman.	Vaughan.

Present—Not Voting

Tarwater.

Absent

Burns.	Hoskins.
Colson.	Jefferson.
Devall.	Jones of Runnels.
Dunlap.	Kayton.
Duval.	Long.
Dwyer.	Mathis.
Few.	McClain.
Hester.	McCullough.
Hicks.	McKee.
Holloway.	Nicholson.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	Renfro.

RESOLUTION SIGNED BY THE
SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

H. J. R. No. 43, Proposing an amendment to Subsection a, of Section 20, Article XVI, of the Constitution of Texas, providing that vinous and malt liquors of not more than 3.2 per cent

alcoholic content by weight shall not be prohibited by said Section; providing that the amendment shall be self-enacting, authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters, for the proclamation and publication thereof, making an appropriation for the expenses of such election, and authorizing the submission of other matters at such election.

RECESS

On motion of Mr. Moore, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

SENATE JOINT RESOLUTION NO.
13 ON SECOND READING

The Speaker laid before the House, on its second reading,

S. J. R. No. 13, Proposing an amendment to Section 3, of Article VIII, of the Constitution of the State of Texas, and providing for the levying and collection of taxes by general laws, and fixing the total amount of revenue which may be collected during each biennium, and the total amount of funds which may be expended during each biennium; provided, that restrictions herein contained as to amounts of taxes to be levied may be suspended in case of grave emergencies; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

The resolution was read second time.

(Mr. Davidson in the Chair.)

Mr. Savage moved a call of the House for the purpose of maintaining a quorum until the joint resolutions are disposed of, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no Member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Savage, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

Mr. Sullivant moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Mr. Jones of Atascosa offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 13 by striking out "\$22.50," wherever it appears, and substituting "\$17.50."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—67

Adamson.	Mathis.
Aikin.	McCullough.
Alexander.	McDougald.
Baker.	McKee.
Bourne.	Merritt.
Butler.	Mitcham.
Canon.	Moore.
Cathey.	Morrison.
Chastain.	Nicholson.
Colson.	Palmer.
Coombes.	Pavlica.
Fain.	Pope.
Fisher.	Ray.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Greathouse.	Reed of Dallas.
Griffith.	Riddle.
Haag.	Rogers
Hester.	of Ochiltree.
Hicks.	Russell.
Hodges.	Savage.
Holekamp.	Scott.
Holloway.	Shults.
Huddleston.	Smith.
Hunt.	Stanfield.
Jackson.	Stinson.
Jefferson.	Tarwater.
Jones of Atascosa.	Thomas.
Jones of Shelby.	Tillery.
Laird.	Townsend.
Latham.	Vaughan.
Lindsey.	Weinert.
Lotief.	Wood.
Mackay.	Young.

Nays—57

Alsop.	Caven.
Anderson	Celaya.
of Johnson.	Clayton.
Barrett.	Cowley.
Barron.	Crossley.
Burns.	Daniel.
Calvert.	Dean.
Camp.	Ford.

Golson.	Metcalf.
Good.	Moffett.
Goodman.	Morse.
Graves.	Munson.
Hankamer.	Parkhouse.
Harris.	Puryear.
Hartzog.	Ramsey.
Head.	Ratliff.
Hill of Brazoria.	Renfro.
Hill of Webb.	Rollins.
Holland.	Ross.
Hughes.	Scarborough.
Hyder.	Shannon.
Jones of Runnels.	Stovall.
Kayton.	Sullivant.
Kyle of Hays.	Tennyson.
Kyle of Palo Pinto.	Van Zandt.
Lemens.	Wagstaff.
Magee.	Walker.
McClain.	Wells.
McGregor.	Winningham.

Absent

Anderson	Hoskins.
of Bexar.	James.
Bedford.	Johnson
Bradley.	of Anderson.
Davidson.	Leonard.
Devall.	Long.
Dunlap.	Patterson.
Duvall.	Roberts.
Dwyer.	Rogers of Hunt.
Few.	Steward.
Harman.	Turlington.
Harrison.	

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	

Senate Joint Resolution No. 13 then failed to pass to third reading by the following vote:

Yeas—59

Adamson.	Hill of Brazoria.
Aikin.	Hodges.
Barron.	Holloway.
Butler.	Huddleston.
Cathey.	Jones of Atascosa.
Celaya.	Latham.
Coombes.	Lemens.
Crossley.	Leonard.
Dean.	Lindsey.
Fain.	Mackay.
Few.	Mathis.
Fisher.	McCullough.
Ford.	McDougald.
Fuchs.	Metcalf.
Glass.	Moore.
Good.	Morse.
Greathouse.	Nicholson.
Haag.	Palmer.
Hankamer.	Parkhouse.
Hester.	Ramsey.

Reed of Bowie.	Stovall.
Rollins.	Sullivant.
Ross.	Tennyson.
Russell.	Van Zandt.
Savage.	Vaughan.
Scott.	Walker.
Shannon.	Weinert.
Shults.	Winningham.
Smith.	Wood.
Stinson.	

Nays—60

Alexander.	Jones of Shelby.
Alsup.	Kayton.
Anderson	Kyle of Hays.
of Johnson.	Kyle of Palo Pinto.
Baker.	Laird.
Barrett.	Lotief.
Burns.	Magee.
Calvert.	McGregor.
Camp.	Merritt.
Canon.	Mitcham.
Chastain.	Moffett.
Clayton.	Morrison.
Cowley.	Munson.
Daniel.	Pavlica.
Duvall.	Pope.
Golson.	Puryear.
Goodman.	Ratliff.
Graves.	Ray.
Griffith.	Reader.
Harris.	Reed of Dallas.
Head.	Renfro.
Hicks.	Riddle.
Hill of Webb.	Rogers
Holekamp.	of Ochiltree.
Holland.	Scarborough.
Hughes.	Stanfield.
Hunt.	Thomas.
Hyder.	Tillery.
James.	Wagstaff.
Jefferson.	Wells.
Jones of Runnels.	Young.

Absent

Anderson	Hoskins.
of Bexar.	Jackson.
Bedford.	Johnson
Bourne.	of Anderson.
Bradley.	Long.
Caven.	McClain.
Colson.	McKee.
Davidson.	Patterson.
Devall.	Roberts.
Dunlap.	Rogers of Hunt.
Dwyer.	Steward.
Harman.	Tarwater.
Harrison.	Townsend.
Hartzog.	Turlington.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	

Mr. Moffett moved to reconsider the vote by which the resolution failed to pass to third reading.

Mr. Morrison moved to table the motion to reconsider.

The motion to table was lost by the following vote:

Yeas—39

Adamson.	McCullough.
Alsup.	McGregor.
Baker.	Merritt.
Barron.	Mitcham.
Bourne.	Morrison.
Camp.	Pavlica.
Canon.	Pope.
Celaya.	Ray.
Clayton.	Reader.
Duvall.	Reed of Bowie.
Dwyer.	Renfro.
Fisher.	Riddle.
Fuchs.	Rogers
Graves.	of Ochiltree.
Hicks.	Smith.
Hill of Webb.	Stanfield.
Holland.	Stinson.
Hughes.	Tennyson.
Jones of Shelby.	Thomas.
Kyle of Hays.	Tillery.

Nays—69

Aikin.	Leonard.
Alexander.	Lindsey.
Anderson	Lotief.
of Johnson.	Magee.
Barrett.	Mackay.
Butler.	Mathis.
Cathey.	McDougald.
Coombes.	Metcalfe.
Crossley.	Moffett.
Dean.	Moore.
Fain.	Morse.
Ford.	Munson.
Glass.	Nicholson.
Golson.	Palmer.
Good.	Parkhouse.
Greathouse.	Puryear.
Griffith.	Ratliff.
Haag.	Reed of Dallas.
Hankamer.	Rollins.
Harris.	Ross.
Hester.	Russell.
Hodges.	Savage.
Holekamp.	Scarborough.
Holloway.	Scott.
Huddleston.	Shannon.
Hunt.	Shults.
Hyder.	Stovall.
Jackson.	Sullivant.
Jefferson.	Tarwater.
Jones of Atascosa.	Wagstaff.
Jones of Runnels.	Walker.
Kayton.	Weinert.
Kyle of Palo Pinto.	Wells.
Laird.	Winningham.
Latham.	Wood.

Absent

Anderson	Hill of Brazoria.
of Bexar.	Hoskins.
Bedford.	James.
Bradley.	Johnson
Burns.	of Anderson.
Calvert.	Lemens.
Caven.	Long.
Chastain.	McClain.
Colson.	McKee.
Cowley.	Patterson.
Daniel.	Ramsey.
Davidson.	Roberts.
Devall.	Rogers of Hunt.
Dunlap.	Steward.
Few.	Townsend.
Goodman.	Turlington.
Harman.	Van Zandt.
Harrison.	Vaughan.
Hartzog.	Young.
Head.	

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	

Question then recurring on the motion to reconsider the vote, it prevailed.

Mr. Coombes moved to reconsider the vote by which the amendment by Mr. Jones of Atascosa was adopted.

The motion to reconsider was lost.

Mr. Moffett moved that further consideration of the resolution be postponed until 10 o'clock a. m., next Thursday.

Mr. Pope moved to table the motion to postpone further consideration of the resolution, and the motion to table was lost.

Mr. Alsop moved that further consideration of the resolution be postponed until August 26, 1933.

The motion was lost.

Question then recurring on the motion by Mr. Moffett that the resolution be postponed until 10 o'clock a. m., next Thursday, it prevailed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 845, A bill to be entitled "An Act authorizing independent school districts to build or purchase

buildings and grounds for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to encumber the same and the income thereof to secure the payment of the purchase price to evidence the indebtedness created thereby by the issuance of bonds, notes, or other evidences of indebtedness; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that such obligations shall never be a debt of such school district; providing that such projects shall be deemed self-liquidating in character; providing that repairs to such properties shall be a first lien; providing that the tolls, fees, and other charges made for the use thereof shall be at a rate sufficient to pay the current interest and provide the necessary sinking fund therefor; etc., and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 435, "An Act amending Article 1027, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, so as to provide that no officer shall collect any fees from the State of Texas in any case, except murder, where a defendant may, under the indictment, be convicted of a misdemeanor or a felony with punishment assessed at a fine, jail sentence, or both such fine and imprisonment in jail, until after the case has been finally disposed of; etc., and declaring an emergency."

HOUSE JOINT RESOLUTION NO.
36 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 36, Proposing amendments to Section 4, of Article III; Sections 2, 4, 5, 21, 22, and 23 of Article IV; Sections 9, 15, 20, 21, and 23, of Article V; Section 14, of Article VIII; Section 16, of Article VIII; and Section 44, of Article XVI; fixing the terms of office of the constitu-

tional officers at four (4) years, and providing for salary and the manner of election.

The resolution was read second time.

Mr. Harman offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 36 by striking out all below the resolving clause, and inserting in lieu thereof the following:

"Section 1. That Section 4, of Article III, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 4. The Members of the House of Representatives shall be chosen by the qualified electors for a term of four years; but a new House of Representatives shall be chosen after every apportionment, and the Representatives elected after each apportionment shall be divided by lot into two classes, the seats of the Representatives of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the Representatives shall be chosen biennially thereafter."

"Sec. 2. That Section 2, of Article IV, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 2. All the above officers of the Executive Department, except the Secretary of State, shall be elected by the qualified voters of the State at the time and places of election for Members of the Legislature so that the Governor and Lieutenant Governor and Comptroller shall be elected at the alternate biennial election from the election of presidential electors; and that all other executive officers shall be elected at the same general election as presidential electors."

"Sec. 3. That Section 4, of Article IV, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for a term of four years, or until his successor

shall be duly installed, and shall not hold office more than one term as Governor; he shall be at least 30 years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election."

"Sec. 4. That Section 5, of Article IV, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 5. He shall, at stated times, receive, as compensation for his services, an annual salary to be fixed by the Legislature, and shall have the use and occupancy of the Governor's Mansion, fixtures, and furniture."

"Sec. 5. That Section 21, of Article IV, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 21. There shall be a Secretary of State, who shall be appointed by the Governor, but with the advice and consent of the Senate, and who shall continue in office during the term and service of the Governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary to be fixed by the Legislature, and no more."

"Sec. 6. That Section 22, of Article IV, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 22. The Attorney General shall hold his office for four years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and, from time to time, in the name of the State, take such action in the court as may be proper and necessary to prevent any private corporations from exercising any power, or demanding, or collecting any species of taxes, tolls, freight, or

wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charter, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of Government during his continuance in office. He shall receive for his service an annual salary, to be fixed by the Legislature, and no more.'

"Sec. 7. That Section 23, of Article IV, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 23. The Comptroller of Public Accounts, the Treasurer, and Commissioner of the General Land Office shall each hold office for a term of four years and until his successor is qualified; receive for their service an annual salary to be fixed by the Legislature, and no more; reside at the Capital of the State during his continuance in office, and perform such duties as are, or may be, required of him by law. They, and the Secretary of State, shall not receive to their own use any fees, costs, or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this Section, or in his office, should be paid, when received, into the State Treasury.'

"Sec. 8. That Section 9, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 9. There shall be a clerk for the district court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for four years, subject to removal by information, or by indictment of grand jury, or conviction by a petit jury. In cases of vacancy, the judge of the district court shall have the power to appoint a clerk, who shall hold office until the office can be filled by election.'

"Sec. 9. That Section 15, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 15. There shall be established in each county in this State a county court, which shall be a court of

record; and there shall be elected in each county, by the qualified voters, a county judge, who shall be well informed in the laws of the State; shall be a conservator of the peace, and shall hold his office for four years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such an amount as may be prescribed by law.'

"Sec. 10. That Section 18, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 18. Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four, and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners court provided for by this Constitution. In each such precinct there shall be elected at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified; provided, that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two justices of the peace. Each county shall, in like manner, be divided into four commissioners precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge as presiding officer, shall compose the county commissioners court, which shall exercise such powers and jurisdiction over all county business, as is conferred by the Constitution and the laws of this State, or as may be hereafter prescribed.'

"Sec. 11. That Section 20, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 20. There shall be elected for each county, by the qualified voters, a county clerk, who shall also be county treasurer, and who shall hold his office for four years, who shall be clerk of the county and commissioners courts and recorder of the county, whose duties and compensa-

tion shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the commissioners court until the next general election for county and State officers; provided, that in counties having a population of less than eight thousand persons, there may be an election of a single clerk, who shall perform the duties of district and county clerk.'

"Sec. 12. That Section 21, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

" 'Section 21. A county attorney, for counties in which there is no resident criminal district attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for a term of four years. In case of vacancy the commissioners court of the county shall have power to appoint a county attorney until the next general election. The county attorney shall represent the State in all cases in the district and inferior courts in their respective counties; but if any county shall be included in a district in which there should be a district attorney, the respective duties of district attorneys and county attorneys shall be regulated by the Legislature. The Legislature may provide for the election of district attorneys in such district as may be deemed necessary, and make provision for the compensation of district attorneys and county attorneys as may be deemed necessary, and make provision for the compensation of district attorney and county attorney. The Legislature shall have authority to abolish the office of district attorney.'

"Sec. 13. That Section 23, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

" 'Section 23. There shall be elected, by the qualified voters of each county, a sheriff, who shall hold his office for a term of four years, whose duties and compensation shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the commissioners court until the next general election of county and State officers.'

"Sec. 14. Amend the Constitution of Texas by adding a new Section,

to be known as Section 23-a, of Article V, of the Constitution of Texas:

" 'Section 23-a. The county judge, district clerk, county attorney, district attorney, two county commissioners, and the constable shall be elected by the qualified voters of the county at the time and place of elections for Members of the Legislature so that they shall be elected at the alternate biennial election from the election of Presidential electors. The sheriff, county clerk, assessor and collector of taxes, two commissioners, and the justice of the peace shall be elected at the same general election as Presidential electors. The commissioners shall be divided by lot into two classes; the seats of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that the commissioners shall be chosen biennially thereafter.'

"Sec. 15. Amend the Constitution of Texas by adding a new Section, to be known as Section 23-b, of Article V, of the Constitution of Texas:

" 'Section 23-b. The county officials elected at the November election in 1934 shall hold their respective offices in accordance with this amendment.'

"Sec. 16. That Section 14, of Article VIII, of the Constitution of Texas, be amended so as to read hereafter as follows:

" 'Section 14. There shall be elected, by the qualified electors of each county at the same time and under the same law regulating the election of State and county officers, an assessor and collector of taxes, who shall hold his office for four years and until his successor is elected and qualified; and such assessor and collector of taxes shall perform all duties with respect to assessing property for the purpose of taxation and of collecting taxes as may be prescribed by the Legislature.'

"Sec. 17. That Section 16, of Article VIII, of the Constitution of Texas, be amended so as to read hereafter as follows:

" 'Section 16. The Legislature may combine, or, whenever previously combined, either by the Constitution or by statute, may separate any two or more offices in any county or counties in this State.'

"Sec. 18. That Section 44, of Article XVI, of the Constitution of Texas, be, and the same is hereby, repealed.

"Sec. 19. The foregoing constitutional amendments shall be submitted to the electors of this State, qualified to vote on constitutional amendments, at the next general election, the same being the first Tuesday after the first Monday in November, A. D. 1934, at which election each ballot shall have printed thereon the words:

"For the amendments to Section 4, of Article III; Sections 2, 4, 5, 21, 22, and 23, of Article IV; Sections 9, 15, 18, 20, 21, and 23, of Article V; Section 14, of Article VIII; Section 16, of Article VIII, fixing the terms of office of the constitutional officers at four (4) years, and providing for compensation and the manner of election; repealing Section 44, of Article XVI; and adding new Sections, to be known as Section 23-a, of Article V, of the Constitution of Texas, providing at which biennial election the county officials shall be elected, and Section 23-b, of Article V, of the Constitution of Texas, providing how the county officials elected in 1934 shall hold office.

"Against the amendments to Section 4, of Article III; Sections 2, 4, 5, 21, 22, and 23, of Article IV; Sections 9, 15, 18, 20, 21, and 23, of Article V; Section 14, of Article VIII; Section 16, of Article VIII, fixing the terms of office of the constitutional officers at four (4) years, and providing for the compensation and the manner of election; repealing Section 44, of Article XVI; and adding new Sections, to be known as Section 23-a, of Article V, of the Constitution of Texas, providing at which biennial election the county officials shall be elected, and Section 23-b, of Article V, of the Constitution of Texas, providing how the county officials elected in 1934 shall hold office."

"Each voter shall scratch out, with pen or pencil, the clause which he desires to vote against, so as to indicate whether he is voting for or against said proposed amendment.

"Sec. 20. The Governor of the State is hereby directed to issue the necessary proclamation for said election, and have the same published as required by the Constitution and laws of the State of Texas, and said elec-

tion shall be held under the laws and Constitution of this State.

"Sec. 21. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated, out of the State Treasury, to pay the expenses of said publication and election."

Mr. Alexander offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 36, page 2, lines 9 and 10, by striking out the words "and shall not hold office more than one term as Governor."

The amendment was adopted.

The committee amendment as amended was then adopted by the following vote:

Yeas—90

Aikin.	Jackson.
Alexander.	James.
Alsup.	Jones of Atascosa.
Anderson	Jones of Runnels.
of Bexar.	Jones of Shelby.
Anderson	Kayton.
of Johnson.	Kyle of Hays.
Barron.	Lemens.
Bourne.	Lindsey.
Burns.	Magee.
Butler.	Mathis.
Camp.	McClain.
Canon.	McDougald.
Cathey.	Metcalfe.
Chastain.	Mitcham.
Clayton.	Moore.
Colson.	Morse.
Coombes.	Munson.
Crossley.	Palmer.
Daniel.	Patterson.
Duvall.	Ramsey.
Dwyer.	Ray.
Few.	Reader.
Fisher.	Reed of Dallas.
Ford.	Renfro.
Good.	Riddle.
Graves.	Roberts.
Greathouse.	Rogers
Hankamer.	of Ochiltree.
Harman.	Rollins.
Harris.	Ross.
Head.	Russell.
Hicks.	Savage.
Hill of Brazoria.	Shannon.
Hill of Webb.	Shults.
Hodges.	Smith.
Holekamp.	Stanfield.
Holloway.	Steward.
Hoskins.	Stinson.
Hughes.	Stovall.
Hunt.	Sullivant.

Tarwater.
Tennyson.
Thomas.
Turlington.
Van Zandt.
Vaughan.

Wagstaff.
Walker.
Weinert.
Wells.
Wood.

Nays—25

Adamson.
Baker.
Barrett.
Bradley.
Caven.
Fain.
Fuchs.
Glass.
Golson.
Haag.
Huddleston.
Laird.
Lotief.

McCullough.
Merritt.
Morrison.
Nicholson.
Pavlica.
Puryear.
Ratliff.
Reed of Bowie.
Scarborough.
Scott.
Tillery.
Winningham.

Absent

Bedford.
Calvert.
Celaya.
Cowley.
Davidson.
Dean.
Devall.
Dunlap.
Goodman.
Griffith.
Harrison.
Hartzog.
Hester.
Holland.
Hyder.
Jefferson.

Johnson
of Anderson.
Kyle of Palo Pinto.
Latham.
Leonard.
Long.
Mackay.
McGregor.
McKee.
Moffett.
Parkhouse.
Pope.
Rogers of Hunt.
Townsend.
Young.

Absent—Excused

Beck.
Dunagan.
Engelhard.

Johnson
of Dimmit.

Mr. Harman offered the following amendment to the resolution:

Amend House Joint Resolution No. 36 by striking out all above the resolving clause, and inserting in lieu thereof the following:

"H. J. R. No. 36, Proposing amendments to Section 4, of Article III; Sections 2, 4, 5, 21, 22, and 23, of Article IV; Sections 9, 15, 18, 20, 21, and 23, of Article V; Section 14, of Article VIII, Section 16, of Article VIII, fixing the terms of office of the constitutional officers at four (4) years, and providing for the compensation and the manner of election; repealing Section 44, of Article XVI; and adding new Sections, to be known as Section 23-a, of Article V, of the Constitution of Texas, provid-

ing at which biennial election the county officials shall be elected, and Section 23-b, of Article V, of the Constitution of Texas, providing how the county officials elected in 1934 shall hold office; providing for an election on the question of adoption or rejection of such amendment; and making an appropriation therefor."

The amendment was adopted.

House Joint Resolution No. 36 was passed to engrossment by the following vote:

Yeas—91

Aikin.
Alexander.
Anderson
of Bexar.
Barron.
Bourne.
Bradley.
Burns.
Butler.
Camp.
Canon.
Cathey.
Caven.
Celaya.
Clayton.
Coombes.
Cowley.
Crossley.
Daniel.
Few.
Good.
Goodman.
Graves.
Greathouse.
Griffith.
Haag.
Hankamer.
Harman.
Harris.
Head.
Hicks.
Hill of Webb.
Hodges.
Holekamp.
Holland.
Holloway.
Hoskins.
Hughes.
Hunt.
Jackson.
James.
Jones of Atascosa.
Jones of Runnels.
Jones of Shelby.
Kayton.
Kyle of Hays.

Kyle of Palo Pinto.
Laird.
Lemens.
Lindsey.
Magee.
Mackay.
Mathis.
McClain.
McDougald.
McKee.
Metcalf.
Mitcham.
Moore.
Morse.
Munson.
Nicholson.
Parkhouse.
Patterson.
Ramsey.
Ray.
Reed of Dallas.
Renfro.
Riddle.
Roberts.
Rogers of Ochiltree.
Rollins.
Ross.
Russell.
Scarborough.
Shannon.
Shults.
Smith.
Steward.
Stovall.
Sullivant.
Tarwater.
Tennyson.
Turlington.
Van Zandt.
Vaughan.
Wagstaff.
Walker.
Weinert.
Wells.
Winningham.
Young.

Nays—27

Adamson.
Alsup.

Baker.
Barrett.

Chastain.	Morrison.
Dean.	Palmer.
Fain.	Pavlica.
Fisher.	Pope.
Ford.	Puryear.
Fuchs.	Ratliff.
Glass.	Reed of Bowie.
Golson.	Scott.
Huddleston.	Thomas.
Lotief.	Tillery.
McCullough.	Wood.
Merritt.	

Absent

Anderson	Jefferson.
of Johnson.	Johnson
Bedford.	of Anderson.
Calvert.	Latham.
Colson.	Leonard.
Davidson.	Long.
Devall.	McGregor.
Dunlap.	Moffett.
Duvall.	Reader.
Dwyer.	Rogers of Hunt.
Harrison.	Savage.
Hartzog.	Stanfield.
Hester.	Stinson.
Hill of Brazoria.	Townsend.
Hyder.	

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	

CONFERENCE COMMITTEE RE-
PORT ON SENATE BILL
NO. 195

Mr. Ramsey submitted the following conference committee report on Senate Bill No. 195:

Committee Room,
Austin, Texas, May 2, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses in respect to Senate Bill No. 195, have duly adjusted the differences between the two Houses, and beg to report it back to the respective Houses with the recommendation that the attached bill be adopted in lieu of the bill as finally passed:

"S. B. No. 195,

A BILL

To Be Entitled

An Act to apportion the State of Texas into Congressional Districts,

naming the counties composing the same, and providing for the election of a Member of the Congress of the United States from each District, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas shall be apportioned into the following Congressional Districts, each of which shall be entitled to elect one Member of the Congress of the United States:

First: The following Counties shall compose the First District, to wit: Bowie, Cass, Franklin, Red River, Titus, Morris, Hopkins, Marion, Harrison, Lamar, and Delta.

Second: The following Counties shall compose the Second District, to wit: Jefferson, Orange, Angelina, Jasper, Newton, Sabine, San Augustine, Tyler, Hardin, Liberty, and Shelby.

Third: The following Counties shall compose the Third District, to wit: Van Zandt, Smith, Rusk, Panola, Upshur, Wood, Camp, and Gregg.

Fourth: The following Counties shall compose the Fourth District, to wit: Grayson, Fannin, Collin, Hunt, Rockwall, Kaufman, and Rains.

Fifth: The following County shall compose the Fifth District, to wit: Dallas.

Sixth: The following Counties shall compose the Sixth District, to wit: Navarro, Limestone, Ellis, Robertson, Freestone, Leon, Hill, and Brazos.

Seventh: The following Counties shall compose the Seventh District, to wit: Houston, Montgomery, San Jacinto, Polk, Henderson, Anderson, Trinity, Walker, Grimes, Madison, Cherokee, and Nacogdoches.

Eighth: The following County shall compose the Eighth District, to wit: Harris.

Ninth: The following Counties shall compose the Ninth District, to wit: Colorado, Matagorda, Goliad, Brazoria, Fort Bend, Wharton, Jackson, Victoria, Austin, Waller, Calhoun, Galveston, Lavaca, Chambers, and Fayette.

Tenth: The following Counties shall compose the Tenth District, to wit: Washington, Hays, Caldwell, Bastrop, Travis, Williamson, Lee, Burleson, Burnet, and Blanco.

Eleventh: The following Counties shall compose the Eleventh District, to wit: Falls, Bosque, Bell, Coryell, McLennan, and Milam.

Twelfth: The following Counties shall compose the Twelfth District, to wit: Tarrant, Johnson, Parker, Hood, and Somervell.

Thirteenth: The following Counties shall compose the Thirteenth District, to wit: Wilbarger, Baylor, Throckmorton, Archer, Clay, Jack, Montague, Wise, Wichita, Cooke, Denton, Young, Hardeman, Foard, and Knox.

Fourteenth: The following Counties shall compose the Fourteenth District, to wit: Kleberg, Nueces, Jim Wells, Duval, Kenedy, San Patricio, McMullen, Live Oak, Bee, Aransas, Refugio, De Witt, Karnes, Atascosa, Guadalupe, Wilson, Comal, Brooks, and Gonzales.

Fifteenth: The following Counties shall compose the Fifteenth District, to wit: Cameron, Hidalgo, Willacy, Starr, Zapata, Webb, Jim Hogg, Dimmit, Medina, Zavala, Frio, La Salle, and Maverick.

Sixteenth: The following Counties shall compose the Sixteenth District, to wit: El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Reagan, Jeff Davis, Presidio, Pecos, Brewster, Terrell, and Crockett.

Seventeenth: The following Counties shall compose the Seventeenth District, to wit: Nolan, Fisher, Jones, Taylor, Shackelford, Callahan, Eastland, Stephens, Comanche, Erath, Palo Pinto, and Hamilton.

Eighteenth: The following Counties shall compose the Eighteenth District, to wit: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Motley, and Cottle.

Nineteenth: The following Counties shall compose the Nineteenth Dis-

trict, to wit: Bailey, Lamb, Hale, Cochran, Hockley, Floyd, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Mitchell, Andrews, Martin, and Howard.

Twentieth: The following County shall compose the Twentieth District, to wit: Bexar:

Twenty-first: The following Counties shall compose the Twenty-first District, to wit: Sterling, Coke, Runnels, Coleman, Irion, Tom Green, Concho, San Saba, McCulloch, Mills, Lampasas, Schleicher, Menard, Mason, Llano, Kimble, Gillespie, Real, Kerr, Kendall, Bandera, Sutton, Edwards, Kinney, Uvalde, Brown, and Val Verde.

Sec. 2. Nothing in this Act shall in anywise affect the tenure in office of the present delegation in Congress, of Texas, but this Act shall take effect for the general election in 1934, and the Congressman shall be elected from each said District for 1934, and thereafter until this law shall have been changed by the Legislature of this State.

Sec. 3. All laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

Sec. 4. The great importance of the legislation proposed and the necessity of providing appropriate districts for the additional allotment of Memberships in the Congress create an emergency and an imperative public necessity which requires that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

GREER,
POAGE,
SMALL,
PACE,

On the part of the Senate;

RAMSEY,
DANIEL,
METCALFE,
WELLS,
TARWATER,

On the part of the House.

Mr. Ramsey moved that the report be adopted.

Mr. Camp moved that the report be not adopted, and that a new conference committee be appointed to adjust the differences between the two Houses on Senate Bill No. 195.

Mr. Van Zandt moved the previous question on the pending motions, and the main question was ordered.

Question first recurring on the motion by Mr. Camp, it was lost by the following vote:

Yeas—37

Adamson.	Jones of Runnels.
Alsup.	Mackay.
Barron.	Mitcham.
Bedford.	Morrison.
Bradley.	Munson.
Camp.	Palmer.
Canon.	Parkhouse.
Colson.	Pavlica.
Coombes.	Ratliff.
Cowley.	Reed of Bowie.
Duvall.	Reed of Dallas.
Goodman.	Rollins.
Hartzog.	Savage.
Head.	Sullivant.
Hester.	Tillery.
Hill of Brazoria.	Van Zandt.
Hoskins.	Wagstaff.
Huddleston.	Young.
James.	

Nays—83

Aikin.	Harris.
Alexander.	Harrison.
Anderson	Hicks.
of Johnson.	Hill of Webb.
Baker.	Holekamp.
Bourne.	Holland.
Burns.	Holloway.
Butler.	Hughes.
Calvert.	Jackson.
Caven.	Jones of Atascosa.
Chastain.	Jones of Shelby.
Clayton.	Kyle of Hays.
Crossley.	Laird.
Daniel.	Leonard.
Dean.	Lindsey.
Dunlap.	Lotief.
Fain.	Magee.
Few.	Mathis.
Fisher.	McClain.
Ford.	McCullough.
Fuchs.	McDougald.
Glass.	Merritt.
Golson.	Metcalfe.
Good.	Moffett.
Graves.	Moore.
Greathouse.	Morse.
Griffith.	Nicholson.
Haag.	Patterson.
Hankamer.	Pope.
Harman.	Puryear.

Ramsey.	Steward.
Ray.	Stovall.
Reader.	Tarwater.
Roberts.	Tennyson.
Rogers	Thomas.
of Ochiltree.	Townsend.
Ross.	Vaughan.
Russell.	Walker.
Scarborough.	Weinert.
Scott.	Wells.
Shannon.	Winningham.
Shults.	Wood.
Smith.	

Present—Not Voting

Barrett.	Kyle of Palo Pinto.
Kayton.	Stinson.

Absent

Anderson	Johnson
of Bexar.	of Anderson.
Cathey.	Latham.
Celaya.	Lemens.
Davidson.	Long.
Devall.	McGregor.
Dwyer.	McKee.
Hodges.	Renfro.
Hunt.	Riddle.
Hyder.	Rogers of Hunt.
Jefferson.	Stanfield.
	Turlington.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	

PAIRED

Mr. Barrett (present), who would vote "yea," with Mr. Lemens (absent), who would vote "nay."

Question recurring on the motion by Mr. Ramsey, yeas and nays were demanded.

The motion to adopt the conference committee report prevailed by the following vote:

Yeas—90

Aikin.	Clayton.
Alexander.	Cowley.
Alsup.	Crossley.
Anderson	Daniel.
of Bexar.	Dwyer.
Anderson	Fain.
of Johnson.	Few.
Baker.	Fisher.
Barron.	Ford.
Bourne.	Fuchs.
Burns.	Glass.
Butler.	Golson.
Calvert.	Good.
Caven.	Graves.
Chastain.	Greathouse.

Griffith.	Purveyar.
Haag.	Ramsey.
Hankamer.	Ray.
Harman.	Reader.
Harris.	Renfro.
Harrison.	Riddle.
Hicks.	Roberts.
Hill of Webb.	Rogers
Holekamp.	of Ochiltree.
Holland.	Rollins.
Holloway.	Russell.
Hughes.	Scarborough.
Jackson.	Scott.
Jones of Atascosa.	Shannon.
Jones of Shelby.	Shults.
Laird.	Smith.
Leonard.	Steward.
Lindsey.	Stovall.
Lotief.	Sullivant.
Magee.	Tarwater.
Mathis.	Tennyson.
McClain.	Thomas.
McCullough.	Townsend.
McDougald.	Van Zandt.
Merritt.	Vaughan.
Metcalf.	Wagstaff.
Moffett.	Walker.
Moore.	Weinert.
Morse.	Wells.
Nicholson.	Winningham.
Patterson.	Wood.
Pope.	

Nays—31

Adamson.	Jones of Runnels.
Bedford.	Mackay.
Bradley.	Mitcham.
Camp.	Morrison.
Canon.	Munson.
Coombes.	Palmer.
Dean.	Parkhouse.
Duvall.	Pavlica.
Goodman.	Ratliff.
Hartzog.	Reed of Bowie.
Head.	Reed of Dallas.
Hester.	Ross.
Hill of Brazoria.	Savage.
Hoskins.	Tillery.
Huddleston.	Young.
James.	

Present—Not Voting

Barrett.	Kyle of Palo Pinto.
Kayton.	Stinson.
Kyle of Hays.	

Absent

Cathey.	Johnson
Celaya.	of Anderson.
Colson.	Latham.
Davidson.	Lemens.
Devall.	Long.
Dunlap.	McGregor.
Hodges.	McKee.
Hunt.	Rogers of Hunt.
Hyder.	Stanfield.
Jefferson.	Turlington.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	

PAIRED

Mr. Barrett (present), who would vote "nay," with Mr. Lemens (absent), who would vote "yea."

Mr. Metcalfe moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Concurrent Resolution No. 46 by a viva voce vote.

Respectfully,

BOB BARKER,
Secretary of the Senate.

AUTHORIZING CERTAIN CORRECTION IN HOUSE JOINT RESOLUTION NO. 14

Mr. Coombes offered the following resolution:

H. C. R. No. 78, Authorizing certain correction in House Joint Resolution No. 14.

Whereas, House Joint Resolution No. 14 has passed the House and Senate; and

Whereas, It has been found that "abolishing the fee system of compensating all district officers and all county officers in counties having a population of twenty thousand (20,000), or more, and" was inadvertently left in the third paragraph of Section 2, page 6; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to strike out these words.

The resolution was read second time, and was adopted.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 338, "An Act to amend Article 955, Chapter 6, Title 13, of the Penal Code of the State of Texas, 1925, as amended by Acts of 1931, Forty-second Legislature, Second Called Session, page 20, Chapter 11, Section 1, prohibiting the sale of fish taken from fresh-water streams of certain named counties, and also providing means and methods of taking and possessing fish from fresh waters of said counties, and including Blanco County and Kendall County; and declaring an emergency."

H. B. No. 646, "An Act to prohibit the sale, or offering for sale, or the buying of any bass, crappie, perch, or catfish, or any other fish, taken from the fresh waters within the following named Counties: San Saba, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Val Verde, Edwards, Sutton, and Real; and to prohibit the use of trot line, drag seine, or net, and to limit the size and number of fish to be caught; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 36, Granting J. B. Dunlap Company permission to sue the State.

S. C. R. No. 37, Granting E. G. Powell permission to sue the State.

S. C. R. No. 39, Granting A. A. Ostermayer permission to sue the State.

Respectfully,

BOB BARKER,
Secretary of the Senate.

(Speaker in the Chair.)

RELATIVE TO CHARGES PREFERRED IN REGARD TO ASSAULT UPON A MEMBER OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives of the Forty-third Legislature.

Dear Mr. Speaker: In response to many inquiries made as to the attitude of Mr. Charles F. Roeser, Mr. Bryan Payne, and Mr. W. C. Stroube, concerning the matter of the procedure hereinafter set out in connection with contempt charges now pending against them in the House of Representatives, this is to advise:

Messrs. Roeser, Payne, and Stroube have presented and filed their respective pleas questioning the jurisdiction of the House of Representatives to proceed with the contempt charges and their respective pleas of not guilty upon said charges; and such pleas and answers speak for themselves.

Feeling as they do, that the interests of the State, its taxpayers, and important legislation is paramount to, and more important than, their personal feelings and welfare, Messrs. Roeser, Payne, and Stroube are willing for the entire matter, involving contempt charges, to be submitted upon the charges made and the pleadings presented, in reply, by respondents, without the introduction of any testimony, either upon the part of the committee of the House of Representatives or respondents, with the understanding that, in so doing, they shall be subjected to such reprimand as the Speaker of the House of Representatives may, in his judgment, consider necessary or advisable, and that, in so doing, the entire matter in connection with said contempt charges will be terminated as between the House of Representatives and Messrs. Roeser, Payne, and Stroube.

Attention of the Members of the House of Representatives is again called to the letters and telegram of apology and regret which were submitted to you a few days ago, and the sentiments therein expressed are here reiterated.

In presenting, for consideration, the above stipulation, it will be our understanding that, if accepted, this letter, together with such action as is taken thereon, shall be included in the House Journal.

Most respectfully yours,

GEORGE THOMPSON, JR.,
R. K. HANGER,
Attorneys for Charles F. Roeser.

GALLOWAY CALHOUN,
RICHARD MAYS,
Attorneys for Bryan Payne.

RICHARD MAYS,
LAWRENCE TREADWELL,
BUFORD H. JESTER,
Attorneys for W. C. Stroube.

Approved:

CHAS. F. ROESER,
BRYAN PAYNE,
W. C. STROUBE.

Mr. Calvert, on the part of the committee, heretofore appointed by the Speaker, to investigate the alleged assault upon a Member of the House, moved that the terms of the communication be accepted, and that Messrs. Roeser, Stroube, and Payne be called before the Bar of the House; that they be reprimanded by the Speaker of the House, and that further proceedings in the matter be dispensed with.

Mr. Pope raised a point of order on further consideration of the motion by Mr. Calvert, on the ground that it is out of order under the provision of the resolution heretofore adopted by the House in regard to the charges.

The Speaker overruled the point of order.

Mr. Coombes moved that the House recess to 7:30 o'clock p. m., today, and the motion was lost.

Mr. Morse moved the previous question on the motion by Mr. Calvert, and the main question was ordered.

Question recurring on the motion by Mr. Calvert, it was adopted by the following vote:

Yeas—91

Adamson.	Anderson
Aikin.	of Johnson.
Alexander.	Baker.
Alsup.	Burns.
Anderson	Butler.
of Bexar.	Calvert.

Cathey.	Long.
Celaya.	Lotief.
Clayton.	Mackay.
Colson.	Mathis.
Crossley.	McClain.
Daniel.	McCullough.
Dean.	McDougald.
Duvall.	McGregor.
Dwyer.	McKee.
Fisher.	Metcalfe.
Ford.	Mitcham.
Glass.	Moffett.
Golson.	Moore.
Good.	Morse.
Goodman.	Munson.
Griffith.	Nicholson.
Hankamer.	Patterson.
Harman.	Pavlica.
Harris.	Ramsey.
Harrison.	Ratliff.
Head.	Ray.
Hester.	Reader.
Hicks.	Renfro.
Hill of Brazoria.	Rogers
Hill of Webb.	of Ochiltree.
Hodges.	Rollins.
Holekamp.	Ross.
Holland.	Savage.
Holloway.	Shannon.
Hoskins.	Shults.
Hughes.	Smith.
Hunt.	Steward.
Jackson.	Tennyson.
James.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Weinert.
Latham.	Wood.

Nays—34

Bedford.	Morrison.
Bourne.	Palmer.
Bradley.	Parkhouse.
Camp.	Pope.
Canon.	Puryear.
Chastain.	Reed of Bowie.
Cowley.	Reed of Dallas.
Davidson.	Roberts.
Fain.	Russell.
Few.	Scarborough.
Fuchs.	Scott.
Graves.	Stinson.
Huddleston.	Stovall.
Jones of Runnels.	Sullivant.
Leonard.	Tarwater.
Lindsey.	Thomas.
Magee.	Winningham.

Present—Not Voting

Coombes.	Riddle.
Haag.	Wells.
Merritt.	

Absent

Barrett.	Jefferson.
Barron.	Johnson
Caven.	of Anderson.
Devall.	Lemens.
Dunlap.	Rogers of Hunt.
Greathouse.	Stanfield.
Hartzog.	Turlington.
Hyder.	Young.

Absent—Excused

Beck.	Johnson
Dunagan.	of Dimmit.
Engelhard.	

REASONS FOR VOTES

I vote "yea" on the above motion with the understanding that the reprimand from the Speaker to the gentlemen, Roeser, Payne, and Stroube, be considered the punishment imposed by the House.

FISHER.

We, the following Members of the Legislature, state the following reasons why we voted "nay" on the motion by Mr. Calvert to permit the punishment of Roeser, Payne, and Stroube to be a reprimand from the Speaker of the House of Representatives, instead of the constitutional punishment of incarceration in jail not to exceed forty-eight hours:

First: That we believe they transgressed the provisions of the Constitution of the State of Texas, which provides that "No Member of the Legislature shall be questioned in any other place for words spoken in debate in either House."

Second: We believe that the conduct of the above-named persons was disrespectful, disorderly, and obstructing to the proceedings of the Legislature, as outlined in Article III, Section 15, of the Constitution of the State of Texas.

Third: We further believe that the excuse offered for the proceedings had, "that there exists no precedents," is ridiculous on its face, due to the fact that the very nature of our forefathers was to make precedents.

LINDSEY,
JONES of Runnels,
REED of Dallas,
SCOTT,
PURYEAR.

I voted "nay" on the vote to adopt the report of the committee to inves-

tigate the Burns fight (made by Mr. Calvert, a member of said committee), for the reason that, in my opinion, the action recommended by said committee is in direct contravention of the law and Constitution of Texas; and for the further reason that the reasons given for such action is in direct conflict with the law of this State, as set out in the case of Canfield vs. Gresham, 82 Texas 10, by the Supreme Court of Texas; and for the further reason that such action, to my mind, lowers and endangers the dignity and integrity of the Legislature and of the Government of the State of Texas. In plain words, I consider the adoption of the action recommended as a disgrace to this State, and makes the Legislature, rightfully, the laughing stock of the lobby.

CAMP.

ADJOURNMENT

Mr. Anderson of Bexar moved that the House recess to 7:45 o'clock p. m., today.

Mr. McDougald moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion of Mr. McDougald prevailed, and the House, accordingly, at 6:10 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Constitutional Amendments: House Joint Resolution No. 44, and Senate Joint Resolution No. 16.

Highways and Motor Traffic: House Bill No. 911.

Education: House Bill No. 906.

Claims and Accounts: House Bill No. 919.

Criminal Jurisprudence: House Bills Nos. 607, 901, 912, 913; and Senate Bill No. 125.

Judiciary: Senate Bill No. 77.

State Affairs: House Bill No. 905.

The Committee on Judiciary filed an adverse report on Senate Bill No. 473.

The Committee on Judiciary filed an adverse report, with a minority favorable report, on House Bill No. 843.

REPORT OF THE COMMITTEE ON
ENGROSSED BILLS

Committee Room,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 779, A bill to be entitled
"An Act to provide for the repurchase
of land set apart to build the Capitol,
that has been recovered by the State
and appropriated to the Public Free
School Fund, and heretofore purchased
from the State, and forfeited, or that
should be forfeited, for non-payment
of interest accrued prior to November
1, 1932, the owner of such land, or
part thereof, at the date of forfeiture,
shall have a preference right for a
period of ninety days after the date
of notice of revaluation of such land
to repurchase the same upon the terms
and conditions provided in Chapter
94, page 267, Acts of 1925, as amend-
ed by the Acts of 1926, Thirty-ninth
Legislature, First Called Session, page
43, Chapter 25; providing the pur-
chase price of the land shall include
all unpaid interest to the effective
date of this Act; providing no person
owing delinquent taxes and interest
prior to November 1, 1929, may take
advantage of provisions hereof until
said taxes and interest are paid; pro-
viding settlement on said land shall
be a condition for coming within the
provisions of this bill; providing any
re-sale of said land shall be with same
mineral reservations as the original
sale, and declaring an emergency,"

Has carefully compared same, and
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,
Austin, Texas, May 1, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 844, A bill to be entitled
"An Act prohibiting certain prac-
tices in the production of oil and gas
within this State; defining the terms
'person,' 'governmental agent,' 'gov-
ernmental agency,' and 'oil property,'
providing for the accurate measure-
ment and accurate recording daily by
all producers of oil and gas of the
amount of daily production before re-
linquishing possession or control

thereof by the producer; prohibiting
the use of any method or device to
evade or prevent accurate measure-
ment; prohibiting the removing of oil
from the possession or control of pro-
ducer except from tank or tanks
under his control; providing for ac-
cess by governmental agency at all
times for inspection and examination
of all oil properties, and likewise pro-
viding for access by governmental
agency for inspection, examination,
and audit of the records pertaining
to all oil properties; prohibiting the
refusal to permit such governmental
agency to have access to all oil prop-
erties for inspection and examination,
and prohibiting any person from in-
terfering with such inspection and ex-
amination, and prohibiting the re-
moval, tampering with, mutilation, or
destruction of any device, seal, or me-
ter placed on such oil property or
used in such inspection and exami-
nation by such governmental agency;
prohibiting the equipment or enclos-
ure of oil property or any part, in
such manner as to prevent such in-
spection and examination, and to pre-
vent such inspection and examina-
tion from revealing the true facts
with respect to the manner of produc-
ing, storing, or delivering oil from
such property; providing for identi-
fying by posted signs in the English
language of all oil properties, oil
tanks, and flares; providing for the
burning of flares to prevent the es-
cape in open air of gas while the well
producing oil and gas is being pro-
duced; providing that it shall be un-
lawful for any person owning, leas-
ing, operating, producing, or control-
ling any oil property, to produce oil
in excess of the amount allowed to
be produced per day under any order
of the governmental agency, in force
at the time; providing for the adop-
tion, promulgation, amendment, re-
peal, alteration, and modification, and
the publication of notice of rules and
regulations by the governmental agen-
cy to provide methods and devices
for measuring production of oil and
gas, and for inspection of oil prop-
erties and measuring devices, and the
measurement before surrendering pos-
session thereof, and for the installa-
tion and use of flares, and for the
keeping of records, and the furnish-
ing of reports, and for inspection and
examination by such agency of such
oil properties and records; providing
for the admissibility in evidence of

certificates from such governmental agency of the adoption and terms of any such rule, regulation, or orders, and that such certificate shall be prima facie proof of all facts disclosed in such certificate; providing for the contents of records and reports, and providing that the governmental agency may prescribe the form thereof; providing that the provisions of this Act, with respect to its provision and remedies, shall be cumulative of all other laws; defining 'offenses' under this Act, and providing penalties; providing for jurisdiction in the courts of the counties where the property or any part thereof is situated with respect to which property an offense under this Act is charged; declaring the legislative intent to enact each provision hereof independently of the other; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 338, "An Act to amend Acts, 1931, Forty-second Legislature, First Called Session, page 5, Chapter 3, relating to fishing in Gillespie and other Counties, so as to change the tackle that may be lawfully used; the period for the open season; the legal length of certain fish; the number of fish which may be caught in Kendall County; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 646, "An Act to prohibit the sale, or offering for sale, or the

buying of any bass, crappie, perch, or catfish, or any other fish, taken from the fresh waters within the following named Counties: San Saba, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Edwards, Sutton, and Real; and to prohibit the use of trot line, drag seine, or net, and to limit the size and number of fish to be caught; prescribing a penalty; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,
Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 43, Proposing an amendment to Subsection (a), of Section 20, Article XVI, of the Constitution of Texas, providing that vinous or malt liquors of not more than three and two-tenths per cent (3.2%) alcoholic content by weight shall not be prohibited by said Section; providing that the amendment shall be self-enacting; authorizing the Legislature to provide other regulations; providing for the submission of such amendment to the voters; for the proclamation and publication thereof, and making an appropriation for the expenses of such election,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,
Austin, Texas, May 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 122, "An Act regulating the manufacture, sale, distribution, disposition, storage, and transportation of vinous or malt beverages, prescribing definitions, and providing the means, manner, and method thereof; providing for the licensing and regulating of certain persons manufacturing, selling, transporting, disposing of, storing, and distributing same; providing for the assessment, collection, payment, evidencing, apportion-

ment and appropriation of taxes and fees, and the time, amount, method, and manner thereof; providing territories where beer may or may not be sold, for elections to determine the same, and the method and manner thereof; providing generally for the issuance and revocations of licenses; prescribing powers, rights, privileges, and duties of certain officers, municipalities, and political subdivisions; prescribing offenses, punishment, and penalties; providing limitations and exceptions of Title 80 of the Revised Civil Statutes of Texas, of 1925, Title 2, Chapter 7, of the Penal Code; providing the effective dates of certain provisions of this Act; making appropriations, and regulating and relating generally to the subject matter and persons handling the same; and declaring an emergency."

Preamble

Whereas, By virtue of House Joint Resolution No. 43 of the Forty-third Legislature, there is to be submitted to the qualified voters of Texas an amendment to the Constitution of Texas for the purpose of determining whether or not the sale of vinous and malt liquors containing not more than three and two-tenths per cent (3.2%) of alcohol by weight, shall be permitted; and

Whereas, In the event of the adoption of said proposed amendment and the sale of vinous and malt liquors containing not more than three and two-tenths per cent (3.2%) alcohol by weight is authorized, it is essential that the Legislature of the State of Texas enact a law whereby the State may obtain revenue arising out of the sale thereof and revenue from the granting of licenses authorizing persons to engage in the business of manufacturing, distributing and retailing the same; and

Whereas, In the event of the adoption of said proposed amendment, it is essential that the Legislature enact a law whereby the manufacture, distribution and retailing thereof may be regulated; and

Whereas, In the absence of laws providing for the payment of taxes and license fees and the regulation of the manufacture, distribution and sale thereof, the State would not be empowered to assess or collect any taxes or regulate the manufacture, distribution and sale thereof; and

Whereas, The proposed constitutional amendment will be acted upon by the people of Texas at a time when the Legislature of the State of Texas is not in session and in order to avoid the tremendous expense incident to the convening of a Special Session of the Legislature and to avoid the necessity of the Governor reconvening a Special Session of the Legislature, in the event of the adoption of said proposed amendment, and to make sure that the proper Statutes will be in force immediately upon the adoption of said proposed amendment to the end that the State will be enabled to collect license fees and taxes and to properly regulate the manufacture, distribution and sale of such beverages, it is declared to be the intent of the Legislature that the hereinafter bill be in full force and effect upon the adoption of said proposed amendment and effective only in such event,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

FIFTY-NINTH DAY

(Wednesday, May 3, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Chastain.
Adamson.	Clayton.
Aikin.	Colson.
Alexander.	Coombes.
Alsup.	Cowley.
Anderson	Crossley.
of Bexar.	Daniel.
Anderson	Davidson.
of Johnson.	Dean.
Baker.	Devall.
Barrett.	Dunlap.
Barron.	Duvall.
Beck.	Dwyer.
Bedford.	Engelhard.
Bourne.	Fain.
Bradley.	Few.
Burns.	Fisher.
Butler.	Ford.
Calvert.	Fuchs.
Camp.	Glass.
Canon.	Golson.
Cathey.	Good.
Caven.	Goodman.
Celaya.	Graves.